The Signalman's Journal

Volume 76, Number 6 *December 1995*

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News Digest

Top Executives To Receive Golden Parachutes In UP-SP Merger

According to a Southern Pacific Securities and Exchange Commission filing, SP has agreements with high level managers which would result in payments of up to $22 million in severance benefits and up to $15.7 million in retention benefits if the UP\SP merger is approved. In particular, it appears that several SP officers could receive from $3.6 million to $1.7 million in severance benefits; additionally, they would receive substantial retirement benefits plus forgiveness of home purchase loans.

If the individuals are retained, they stand to receive benefits ranging from $1.4 million to $.7 million in addition to continuation of their salaries. The results of the SEC filing appear to be another case in which top executives will benefit handsomely from the merger while many union employee claims for much smaller *New York Dock* benefits are vigorously contested.

CSX To Pay Government $5.9 Million In Railroad Crossing Overcharges

CSX Transportation Inc. will pay $5.9 million to settle claims it overcharged the government for railroad crossing signal installations under a federal safety program. Assistant Attorney General Frank W. Hunger, head of the United States Justice Department's civil division, stated that the agreement settles claims that CSX inflated labor hours for wiring signals and failed to obtain the lowest prices for parts.

The roadway crossing signals were installed primarily in southeastern states and were part of the Rail Highways Crossing Program administered by the Department of Transportation. The federal government paid 90 percent of the cost and the individual states paid the remaining balance.

A former employee of CSX brought the matter to the government's attention in February 1993 when he filed a damage suit under the False Claims Act. Pursuant to the False Claims Act, the former employee will receive $1.8 million of the settlement.

In April 1993, CSX voluntarily refunded $2.1 million to 18 states as an adjustment to its bills for installing the crossing signals. CSX also agreed to pay Florida and 11 of the 18 states $1.4 million in other adjusted costs.

UP Proposes Denver Commuter Rail Line

Union Pacific Railroad officials are exploring the possibility of running a commuter rail line from Denver to Greeley, Colorado. "We've got the lines, and they're available for Colorado to develop a rail alternative," Union Pacific spokesman Ed Trandahl said.

Denver already is considering using existing Union Pacific tracks for the first leg of its "Air Train", a 24-mile line which would run from Union Station to Denver International Airport.

Officials stated that the Colorado Transportation Commission may be asked in December to authorize a $270,000 year-long study of 13 possible passenger routes in the Denver area. The proposed study would look at potential ridership, economic & environmental impacts, and capital & operating costs.

UAW Worker Ends Hunger Strike; AFL-CIO Launches National Mobilization Against Pepsi

Upon receiving news from newly elected AFL-CIO President John Sweeney that the AFL-CIO will dramatically expand the Staley Workers Campaign for Justice, Dan Lane decided to end his 64-day long hunger strike. At Sweeney's invitation, Lane spoke to over 1,000 delegates at the historic October AFL-CIO Convention. Upon his return home, Lane's condition worsened, prompting an outpouring of support and pleas for him to end his Fast for Justice.

Lane conducted a press conference from his bed on November 4, with Sweeney on the speaker phone. "Your courage has been an inspiration to the new leaders of the AFL-CIO, and your strength give us strength." Sweeney stated that a special task force has been named to build on the efforts of the locked out workers against Pepsi.

Responding to the national support against Staley, Lane stated, "It is with respect to and their experience as strong leaders, fighters, and winners, and with dedication to my locked-out sisters and brothers in our struggle for justice, and due to the needs of my family and concern of my friends, that I withdraw from the hunger strike."

The Signalman's Journal

Official Publication of the Brotherhood of Railroad Signalmen

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Cover: "Fire in the Night." A Signal Welder prepares replacement rail for a Cadweld bond in Ft. Morgan, Colorado. **Photo Submitted By: R.J. Sutton, Local 119.**

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1995-Where We've Been...

PRESIDENT'S COLUMN

On behalf of all the officers and staff at Grand Lodge, I would like to extend our best wishes for a safe, prosperous new year and joyful holiday season to all BRS members, their families and friends.

As I look at this year in review I notice many things are different and many remain the same. Signalmen were confronted by new regulatory action when 1995 brought about the implementation of mandatory alcohol testing on January 1. This year also marked the first ever negotiated rulemaking session between the railroads, the unions, and the FRA. Meetings were conducted throughout most of the year to produce a regulation covering Roadside Worker Protection. The FRA should be releasing the final version of the regulation shortly with publication to follow in a future issue of *The Signalman's Journal*. While progress on this vital issue of safety for our membership is welcome, during the delay in implementation two more Signalmen lost their lives in 1995 while performing their duties, bringing the total number of Signalmen killed on the job since 1988 to 13.

"The NCCC talked about reaching an agreement, but the reality is that the NCCC is perfectly content to use any tactic to delay and drag out negotiations."

1995 has also included national negotiations with the National Carriers' Conference Committee. I hoped that we would have an agreement by now. I would like to be able to say that the NCCC let a historic opportunity slip through their hands, but that would not be true. It is hard to let something slip through your hands when you never seized the opportunity in the first place. The NCCC talked about reaching an agreement, but the reality is that the NCCC is perfectly content to use any tactic to delay and drag out negotiations. Once again the NCCC is trying to get a Presidential Emergency Board assigned and then have an agreement imposed instead of negotiated.

"We should be allowed to strike without intervention."

BRS members have never been a militant group and striking is something viewed very cautiously within our organization. However, when exercising our right to self-help it should be allowed without intervention. We should be allowed to **STRIKE** without intervention. If we are left to exercise our rights, the railroads will finally negotiate with us in good faith. As it is, the railroads feel they do

And Where We Are Going

not have to negotiate with us because ultimately they expect Congress to pass legislation, under the guise of a 'national emergency', which would legislate an agreement upon us. Why is Congress allowed to shut down the federal government for over two weeks, and that is ok, yet a one day rail strike constitutes a 'national emergency'. It is preposterous that a 'national emergency' can be declared after one hour or even one day of a strike action.

"...BRS members fully expect to be rewarded for their contributions to the industry."

The NCCC and this organization talked of the opportunity we had before us, how we would be able to negotiate an agreement in good faith between the parties, as was the intent of Railway Labor Act. Even though I had my reservations, I was optimistic that we could and we would reach a fair and equitable agreement.

1996 is going to be an important year because of the elections in November. Workers must reelect President Clinton and return control of Congress to the Democrats or the workers of America will have a tough time stopping the inevitable onslaught of anti-worker legislation that is sure to follow. Regardless of who controls Congress, we have faced adversity before and we will continue to bring our message to whoever holds office in the future. Make your voice heard, tell your friends, your neighbors, your families, how important it is that each of us not only votes, but that we vote for candidates that support legislation that protects worker rights.

As 1995 comes to a close, we wait to be released from mediation and listen closely for further information on the continuation of proposed railroad mergers. 1995 also shows that railroads will have another record profit year and while there is plenty of money to be made for stockholders and CEOs, no increases have been allotted for the contract employees. As negotiations continue, it will be shown that Signalmen continue to play a key role in the safe, efficient operation of the railroads and that BRS members fully expect to be rewarded for their contributions to the industry.

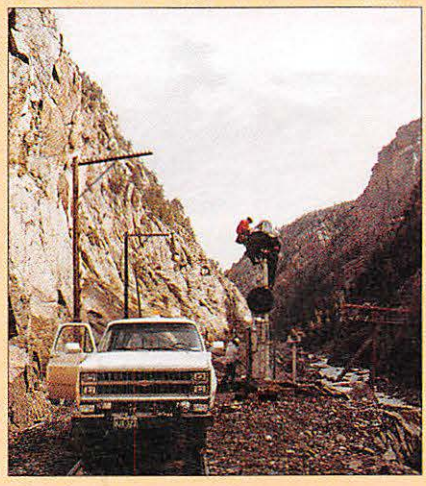
As the dawn of 1996 comes to light, I am confident that the Brotherhood of Railroad Signalmen will not rest on its laurels. Once again, Signalmen will stand united to achieve the things that we as individuals cannot achieve alone.

W. Dan Pickett

1995 Photo Contest Winners

Entries submitted by BRS members **J.G. Williamson**, **F.M. Waterhouse**, and **J.J. Juresko** have been selected as the winning photos in the 12th Annual Signalman's Journal Photo Contest. The three winning entries, presented on this page, were also featured in previous issues of *The Signalman's Journal*. Each of the winning entrants will be awarded a $100 U.S. Savings Bond.

The first place winning entry, submitted by Local 24 member **J.G. Williamson,** appeared in the February *Journal*. Brother Williamson's photo depicts three Signalmen replacing a signal cable that was damaged by falling rocks. Brother Williamson originally hired out with the Denver & Rio Grande railroad and has 23 years of combined service with the Southern Pacific Railroad. Brother Williamson currently works the position of Signal Gang Foreman in Grand Junction, Colorado. He enjoys hunting and fishing when not working on the railroad. Brother Williamson and his wife Cherlyn reside in Grand Junction, Colorado with their two children Nathan and Katie.



1st place photo -
J.G. Williamson.

The second place winning entry, submitted by Local 119 member **F.M. Waterhouse,** appeared in the August *Journal*. Brother

2nd place photo -
F.M. Waterhouse.

Waterhouse's photo shows three Signalmen constructing a signal bridge in Reno, Wyoming. Brother Waterhouse has six years of service with the Burlington Northern Railroad and currently holds the position of CTC Maintainer on the Orin Line in Reno, Wyoming. He says he enjoys golf and woodworking in his spare time. Brother Waterhouse and his wife reside in Wright, Wyoming with their two daughters.

The third place winning entry, submitted by Local 16 member **J.J. Juresko,** appeared in the June *Journal*. Brother Juresko's entry shows two Signalmen splicing in new code line cable into existing code line wire. Brother Juresko works as a signal maintainer headquartered out of Swansea, South Carolina and has been employed with CSXT for the past 15 years.

In what little spare time he has, Brother Juresko says he enjoys fishing. Brother Juresko and his wife Kathy reside in West Columbia, South Carolina.

The Journal congratulates the winners in the 1995 contest, our 12th annual photo competition for BRS members. *The Journal* also thanks the many Signalmen who took the time and effort to provide the excellent photos that have appeared in the magazine throughout the year.

3rd place photo -
J.J. Juresko.

The Signalman's Journal Photo Contest will return in 1996. Information, rules and an entry form for the 13th Annual Photo Contest are provided on the following page.

1996 Photo Contest Will Be 13th Annual

The Signalman's Journal will conduct its 13th Annual Photo Contest during 1996, accepting entries of signal-related photographs from Brotherhood members for publication in the *Journal* and judging in the popular contest.

The Journal will again award a union-made BRS logo wristwatch for 1st place, a union-made BRS jacket for 2nd place and a union-made BRS windbreaker and hat to the winners selected in 1996.

The Journal encourages members to submit photographs which feature signal equipment or Signalmen working at their craft. All entries must include some element of signal equipment or signal work. Photographs of Signalmen at work will be considered for entry in the contest only when the photographs depict proper safety equipment (for example: hard hats, eye protection, or other necessary safety gear) and other generally recognized safe work practices.

The contest rules for 1996 are as follows:

1. Photographs should be color and no smaller than 3x5 size. Negatives or Polaroid photos will not be considered. There is no limit on the number of entries.

2. Photographs must include some element of signal work or signal equipment. This can include Signalmen working or signal equipment of any kind incorporated into a scene.

3. The final date for receipt of photographs for consideration in the 1996 contest will be September 1, 1996. Early entries are encouraged. All entries will be considered for publication in *The Signalman's Journal.*

4. All photographs submitted will be considered property of *The Signalman's Journal.*

5. Photographs entered in the contest must be accompanied by the full information specified on the entry form. Information must include the name, address and phone number of the photographer; the identification of any individuals in the photo (i.e., name, title, local); photo location and the name of railroad involved.

6. Participants may include additional information on a separate sheet of paper. **Please DO NOT write on the back of photographs.** Be sure each entry is clearly identified when sending more than one entry.

7. This contest is open only to active and retired members of the Brotherhood of Railroad Signalmen.

8. Mail all entries to:

THE SIGNALMAN'S JOURNAL
BOX U
MOUNT PROSPECT, IL 60056-9048

ENTRY FORM—1996 PHOTO CONTEST

Name _____

Local _____

Mailing Address:

Street or Box _____

City _____ **State** ___ **Zip** _____

Phone ( ) _____

R.R. Employer _____

Job Title _____

Photo Location _____

Photo Description _____

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SPL Report:

Pro-Labor Politicians: Our Friends in Congress

1996 will prove to be an important year in the political arena. It is imperative that we, as Signalmen, question candidates about their definition of **change**.

If the candidate's definition of change involves less regulation for big business, then only reflect on this Congress' definition of change-change in favor of big business, not for working men and women. If Congress is allowed to deregulate big business, then many Signalmen, including yourself, will be without a job. What most of you do each and every day in the railroad industry involves government regulations, which were imposed by Congress to ensure a safe working environment free of train wrecks caused by neglect.

Two very important questions to ask a candidate are whether or not he/she supports a worker's right to belong to a union, and the ability to strike as a last resort.

Ask the person you will vote for, as well as yourself, does change mean, **No Union, No Job,** or does change mean **no social security and no railroad retirement**. Make sure you vote, but make sure not to vote for the wolf in sheep's clothing.

We are featuring THREE Congressmen for you in this issue of *The Signalman's Journal*. We hope that the information will be useful to you in determining who the best candidate is to receive your vote; also, so that you know which candidates share the same ideas and goals as you do. Part of that goal must be to keep good paying American jobs in the United States.

Lynn Rivers (D), Michigan 13th District

Lynn Rivers is a freshman Congresswoman who is not afraid to support workers' rights. During her first year, Rivers has voted 100 percent in favor of legislation that benefits labor, which is exceptional for a first year Representative.

While her parents are Republicans, Rivers is a Democrat. Her thinking was heavily influenced when she became a mother at age 18. In order to better herself she worked odd jobs to put herself through college.

"I could not have gone to college or law school, certainly not law school, without student loans," says Rivers, whose husband is a boiler engineer at a Ford plant, "and that is where I disagree so strongly with the Republicans, that they want to argue that by the sheer dint of self-will, people should be able to achieve things, and that is not true in the real world."

Unlike other freshmen in Congress, Rivers goes against the grain in Washington because she refuses to accept any gift, no matter how small, and also does not employ a press secretary. She is not interested in seeking the spotlight but is more interested in producing results.

Lynn Rivers

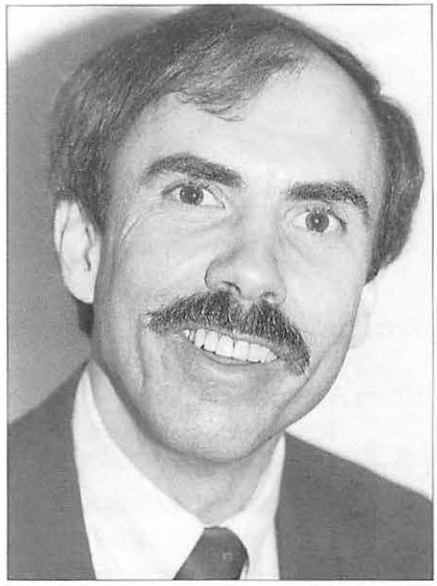
Congresswoman River's has the challenge of representing a diverse constituency. Her district encompasses more than half-a-dozen blue-collar auto plants as well as more upscale areas around the University of Michigan at Ann Arbor.

"I don't relish the day, and it will come, when there will be an issue before us that will divide the District as NAFTA and GATT did for my predecessor," says Rivers.

But she is optimistic that she understands both sides.

"I served in Ann Arbor for many years... people are comfortable with me. I am also married to a UAW member, I know what it's like to have the television set on and catch some passing comment about a plant being closed."

Bob Wise (D), West Virginia 2nd District



Bob Wise

Bob Wise was elected to the U.S. House of Representatives in 1982 and has represented West Virginia's Second Congressional District since the election of 1992.

A leading advocate of reforms in Washington, Wise leads by example by returning a portion of his salary to fund scholarships in lieu of taking pay raises. In 1992, he fought for and won House approval to cut the administrative budgets of both the Congress and the White House. Also, he has introduced legislation to cut back on the mailing budgets for House offices and returns to the Treasury a majority of his own office's mailing budget.

Congressmen Wise was recently appointed as ranking member of the Railroad Sub-Committee of the Transportation & Infrastructure Committee.

Creating jobs is one of Wise's top priorities, which is why he sought to become chairman of the Economic Development Subcommittee of the House Public Works Committee during the 103rd Congress. In the current 104th Congress, he serves on the newly named House of Transportation and Infrastructure Committee as well as the Government Reform and Oversight Committee.

Congressman Wise has long fought for workers rights. For example, in 1990 he won a fight to create a program to provide employee transition benefits for workers who lose their jobs because of the new, tougher standards of the Clean Air Act.

James L. Oberstar (D), Minnesota 8th District

Congressman Oberstar has been a long time supporter of rail labor. Recently, he stood up for rail labor when he brought the amendment for worker protection on the ICC Bill, H.R. 2539, to the floor in the House of Representatives in order to get labor protection for workers.

James L. Oberstar

Jim Oberstar was born in Chisholm, Minnesota. His father was an iron ore miner who worked first in the underground mines, then in the open pits.

Oberstar's Iron Range roots shaped his future. The work ethic instilled in him by his family and community enabled him to succeed. Once in Washington he initially worked as aide to his predecessor in Congress, Rep. John Blatnik.

When Blatnik announced his retirement in 1974, Oberstar sought and won his first term in Congress. Now in his 11th term, Congressman Oberstar is the ranking Democrat on the full Transportation and Infrastructure Committee. He is well respected by Members of both parties for his expertise in transportation, public infrastructure and foreign policy matters.

Though the business of Congress keeps him in Washington most of the year, Oberstar returns to Minnesota at every opportunity. The 8th District is spread across 25,000 square miles - an area larger than many states. It encompasses all or part of 17 counties and has a population of 556,000 people.

Congressman Oberstar has been a long time friend of labor and rail labor looks forward to his continued support in the future.

Railroad Retirement Information

(Cont. from preceding page)

agencies affect the payment of sickness benefits?

If an employee receives a retirement, disability or survivor benefit under the Railroad Retirement Act, Social Security Act, or any other social insurance law for days for which he or she is also entitled to benefits under the Railroad Unemployment Insurance Act, sickness benefits are payable only to the extent by which they exceed the other payments for those days. Examples of other such social insurance payments are military pensions, firefighters' and police pensions, or worker's compensation payments. Claimants should report all such other payments promptly to avoid having to refund benefits later.

In addition, railroad sickness benefits are not payable if Federal/State unemployment or sickness benefits are also paid under other laws, including Canadian law, for the same period of time.

10. Would an award for damages or a settlement for an injury affect entitlement to sickness benefits?

If an employee is awarded damages or receives a settlement because of an injury, any sickness benefits already paid for the same injury will have to be deducted from the settlement and refunded to the Board. Any benefits due for the same injury for later periods may be withheld. The amount recoverable or withheld in such cases cannot, however, exceed the net amount of the damages or settlement after medical and legal expenses have been deducted.

11. How long does it normally take to receive payments?

Because the Railroad Unemployment Insurance Act requires a waiting period and prepayment verification of all claims, a claimant's first sickness benefit payment will not normally be received until at least the sixth week after he or she becomes sick. The noncompensable waiting period generally covers the first two weeks of sickness.

Nonetheless, claimants who file an application for sickness insurance benefits may expect to receive a claim form, or a decision on their application, within 15 days of the date a Board office receives the application. When they subsequently file their biweekly claims, they may expect to receive payment, or a decision on their claim, within 15 days of the date a Board office receives the claim form.

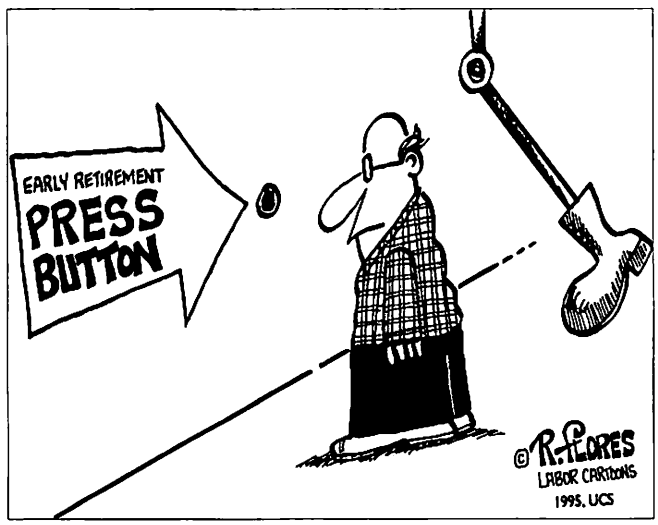
However, some claims for benefits may take longer to handle than others if they are more complex, or if a Board office has to get information from other people or organizations. If this happens, claimants may expect an explanation and an estimate of the time required to make a decision. Also, claimants who think a Board office made the wrong decision about their benefits have the right to ask for review and to appeal. They will be notified of these rights each time an unfavorable decision is made on their claims.

12. Can railroad sickness claimants receive their benefit payments through "Direct Deposit"?

Direct Deposit is the normal method of payment for railroad sickness insurance benefits. With Direct Deposit, benefit payments are made directly to an employee's bank, savings and loan, credit union or other financial institution. New applicants for sickness benefits will be asked to provide information needed for Direct Deposit enrollment. Benefits are paid by check only if an applicant does not have a checking or savings account, or other special circumstances exist that would cause the employee hardship if benefits were paid by Direct Deposit.

13. How can claimants receive more information on these sickness benefits?

To get additional information, claimants should contact the Railroad Retirement Board field office nearest them. The address and phone number of the nearest field office can be found in the telephone directory under "United States Government," or they can check with their local union official, rail employer, post office, or Federal Information Center. Most Board field offices are open to the public from 9:00 a.m. to 3:30 p.m. Monday through Friday.



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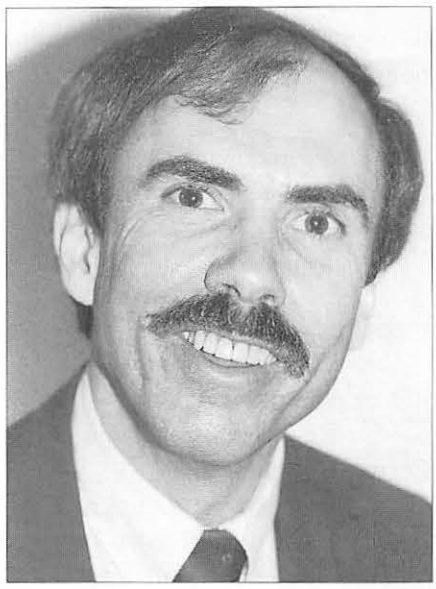

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SPL Contributions: Where Your Money Goes

Every year the SPL contributes money to the campaigns of candidates who are pro-labor and will stand up for the rights of working men and women in America. The following is a list of the candidates who received contributions from the SPL in the last year. The listing includes in parenthesis: party designation, state where elected, and District.

House of Representatives Candidates

David E. Bonior (D MT-10)
Re-election Campaign
Robert A. Borski (D PA-3)
Re-election Campaign
Corrine Brown (D FL-3)
Re-election Campaign
Benjamin L. Cardin (D MA-3)
Re-election Campaign
Bob Clement (D TN-5)
Re-election Campaign
Barbara-Rose Collins (D MI-15)
Re-election Campaign
William J. Coyne (D PA-14)
Re-election Campaign
Robert E. Cramer Jr. (D AL-5)
Re-election Campaign
John D. Dingell (D MI-16)
Re-election Campaign
Michael Doyle (D PA-18)
Re-election Campaign
Lane Evans (D IL-17)
Re-election Campaign
Bob Filnor (D CA-50)
Re-election Campaign
Richard A. Gephardt (D MO-3)
Re-election Campaign
W.G. Hefner (D NC-8)
Re-election Campaign
Tim Holden (D PA-6)
Re-election Campaign
Eddie Bernice Johnson (D TX-30)
Re-election Campaign
Mary Kaptur (D OH-9)
Re-election Campaign
Joseph P. Kennedy II (D MA-8)
Re-election Campaign
Patrick J. Kennedy (D RI-1)
Debt Retirement
Sheila Jackson Lee (D TX-18)
Re-election Campaign
John Lewis (D GA-5)
Re-election Campaign
William O. Lipinski (D IL-3)
Re-election Campaign
Frank R. Mascara (D PA-20)
Re-election Campaign
Robert Menendez (D NJ-13)
Re-election Campaign
Norman J. Mineta (D CA-15)
Re-election Campaign
Susan V. Molinari (R NY-13)
Re-election Campaign
James P. Moran (D VA-8)
Re-election Campaign
Jerrold Nadler (D NY-8)
Re-election Campaign
David R. Obey (D WI-7)
Re-election Campaign
John W. Olver (D MA-1)
Re-election Campaign
Frank Pallone Jr. (D NJ-6)
Re-election Campaign
Lewis F. Payne Jr. (D VA-5)
Re-election Campaign
Charles B. Rangel (D NY-15)
Re-election Campaign
Lynn Rivers (D MI-13)
Re-election Campaign
Bernard Sanders (I VT-AL)
Re-election Campaign
Jose Serrano (D NY-16)
Re-election Campaign
Bud Shuster (R PA-9)
Re-election Campaign
David E. Skaggs (D CO-2)
Re-election Campaign
Randy Tate (D WA-9)
Re-election Campaign
Edolphus Towns (D NY-10)
Re-election Campaign
James A. Traficant Jr. (D OH-17)
Re-election Campaign
Lynn Woolsey (D CA-6)
Re-election Campaign

Senate Candidates

Max Baucus (D MT)
Re-election Campaign
Tom Harkin (D IA)
Re-election Campaign
Rick Santorum (R PA)
Debt Retirement

State Candidates

Campaign Rick Geist (R PA)
Election Campaign
Jim Prince (D CA-46)
Election Campaign

Groups & Organizations

AFL-CIO COPE:

AFL-CIO COPE is the political education arm of the AFL-CIO.

Citizen Action:

Citizen Action is an organization active in grassroots and environmental issues.

Democratic National Committee (DNC):

Democratic National Committee is the national Democratic Party.

Democrats 2000:

Democrats 2000 is a political organization which supports progressive candidates for a progressive future.

Democratic House & Senate Council (DHSC):

Democratic House & Senate Council is an organization which supports Democratic candidates for election.

Electing a Democratic Generation (EDGE):

EDGE is a group which supports young Democratic candidates.

National Democratic Club (NDC):

NDC is a fund-raising organization for Democratic candidates.

National Women's Political Caucus (NWPC):

NWPC is a political organization which promotes women's rights in the political arena.

SPL Recognizes Local & General Committees

In connection with the Brotherhood's Signalmen's Political League awards program, we have compiled the statistics from the 1993 and 1994 participation. The results of the data have determined the following Locals and General Committees as award winners:

Locals with the greatest amount of members participating in 1994:

#1 - Local 72 (105)
#2 - Local 16 (75)
#3 - Local 8 (64)

Locals with the greatest percentage of members participating in 1994:

#1 - Local 193 (100%)
#2 - Local 98 (69%)
#3 - Local 9 (55%)

Locals with the greatest number of new sign-ups from 1993 to 1994:

#1 - Local 228 (16)
#2 - Local 120 (14)
#3 - Local 18 (7)

General Committees with the highest number of members participating in SPL:

#1) General Committee #60, United General Committee
General Chairman R.E. McKenzie
242 members participating
#2) General Committee #48, Midwest Gulf
General Chairman E.J. Anousakes
198 members participating
#3) General Committee #12, Burlington Northern
General Chairman R.D. Frank
176 members participating

General Committees with the highest percentage of members participating in SPL:

#1) General Committee #90,Pitts. Union RR
General Chairman C.J. Warner
100% of the committee participating
#2) General Committee #6, B&O (Chicago Term.)
General Chairman C. Cleghorn
47% of the committee participating
#3) General Committee #48 - Midwest Gulf
General Chairman E.J. Anousakes
33% of the committee participating

The Brotherhood would like to thank each and every member that participates in the SPL and especially those who have continued to increase their participation in the program through the years. We must all recognize the importance of the SPL program and support it to the fullest. Your job may be the next one cut by this Congress if we don't support our efforts on the Hill with a PAC that can provide the needed resources to those friends we still have in Washington and across the United States.

DOT Issues Recommendation On Drug & Alcohol Program Compliance

The National Transportation Safety Board recently recommended that the Department of Transportation issue a statement dealing with the on-duty use of medication by safety-sensitive employees in the transportation industries.

The statement encourages railroads to include in their employee training materials facts and information about the hazards of using prescription and over-the-counter medications while performing safety-sensitive jobs. The following is the entire recommendation from the Office of Drug Enforcement and Program Compliance:

"The U.S. Department of Transportation (DOT) reminds all transportation industries of the potential threat to public safety caused by the on-duty use of some over-the-counter and prescription medications by persons performing safety-sensitive duties. As a result, we strongly urge all transportation industry employers to include in their employee training materials appropriate information to address this issue. We also encourage employers to reiterate with their employees the need to report use of such medications when required by applicable DOT rules or by company policies."

Protests of Union-Member Beneficiaries Storm Blue Cross/Blue Shield Offices

Use of non-union construction workers by Florida Blue Cross/Blue Shield in building its 1.8 million square foot office facility in Jacksonville has spawned a tornado of protests from union building and construction workers who are Blue Cross/Blue Shield beneficiaries.

The nationwide storm is centered in New York, Pennsylvania, Illinois, Ohio, California, Louisiana and Florida, but will soon spread, according to Robert A. Georgine, President of the Building and Construction Trades Department, AFL-CIO.

In an exchange of letters with Georgine, Donald Conwell, Executive Director of the National Labor Office of the Blue Cross and Blue Shield Association in Washington, D.C., sought to establish that the Association and other Blues companies "have neither say nor financial responsibility over the independent operations of Florida Blue Cross/Blue Shield."

Georgine rebutted that while local Blue Cross/Blue Shield offices may claim independence of each other, they all share an organizational name, a national lobbying effort and a national marketing strategy, which were evidenced by the September 6-18 national conference for Blue Cross labor relations directors in Des Moines, Iowa.

Georgine also wrote Conwell: "It is best if we don't equivocate or get bogged down with immaterial details regarding the Florida Blue Cross/Blue Shield plans to build an office complex in Jacksonville, Florida.

"Whether the plans were 'announced' or whether the Haskell Company, their general contractor, is inviting union contractors to bid begs the question. The fact is that Florida Blue Cross/Blue Shield and the Haskell Company refused to enter into a project labor agreement, thereby allowing some, if not all, construction to be completed with non-union workers."

When asked about his position on this issue, BRS President Pickett stated, "The Brotherhood of Railroad Signalmen supports the Building and Construction Trades Department in their stance against all the Blue Cross/ Blue Shield operators across the country. Blue Cross/ Blue Shield operators must understand that if they expect labor's support of their programs, they must use organized labor to build, maintain and staff their facilities."

"While the Building and Trades Department dispute is with Blue Cross\Blue Shield, the BRS would seriously examine the relationship with our health care provider, MetraHealth, if they engaged in similar tactics."

Railroads To Ship Majority of Nuclear Waste

Shipments to Cross Through 43 States

The Department of Energy revealed that 85 to 90 percent of high-level radioactive nuclear waste would likely be moved by rail, with shipments crossing 43 states.

Richard Hannon, director of the Department of Transportation, said that transportation routes will be chosen by the Department of Energy, while DOT will be responsible for the safety of the track, equipment, control systems and crews.

"By regulation, they can move it in commercial trade," Hannon said. "But over the last 10 years I'm not aware of any nuclear waste shipments that did not go as dedicated trains."

The proposed plans call for the development of a multipurpose canister which would be loaded directly onto the railcars and would never have to be opened once it was sealed.

The majority of the rail shipments would transport a 40-ton canister holding up to 24 fuel assemblies. At least eight nuclear reactors would ship by rail using smaller 75-ton transport packages and another 16 would ship 25-ton loads by truck.

Once reaching the storage site, the canisters would be removed from the overpacks and placed in temporary concrete storage casks that will be licensed for 100 years. When permanent disposal begins, the canisters would be repackaged in casks designed to contain radiation for 1,000 years and then placed into a permanent repository deep underground.

Jeff Williams of the Department of Energy stated, "Disposal of the high-level waste produced by all the reactors in the country throughout their life span will require between 10,000 and 12,000 canisters, but only 100 transportation casks."

The canisters will cost between $280,000 and $400,000 each, while the reusable transport casks will cost approximately $3 million.

The Department of Energy also is studying the feasibility of shipments by barge from more than a dozen reactor sites.

Cost-of-Living Adjustment Due January 1

Semi-Annual Allowances Due Under Terms of 1991 Agreement

BRS members who are covered under the June 4, 1991 National Wage and Fringe Benefit Agreement are scheduled to receive a $.07 per hour cost-of-living allowance beginning January 1, 1996. Cost-of-living allowances are to be provided on a semi-annual basis under the terms of the 1991 National Agreement. However, under the agreement such cost-of-living allowances do not become part of the basic rates of pay.

The January 1, 1996 cost-of-living allowance is based on the Consumer Price Index (CPI-W) which is compiled by the U.S. Department of Labor. The measurement period for the January 1, 1996 allowance was March 1995 to September 1995.

The cost-of-living allowance is based on the number of points change in the CPI during the measurement period. CPI points are converted into cents on the basis of one cent equals 0.3 full points. Any remainder of 0.1 points or 0.2 points of CPI change after conversion are not counted.

During this previously agreed upon measurement period the CPI rose from 443.0 to 448.5.

The 1991 National Agreement provided for a reduction in the cost-of-living allowances based on year-to-year increases in health care benefit costs. The cost-of-living formula for the March 1995 to September 1995 measurement period resulted in a $.09 cent cost-of-living allowance. However, labor and management agreed that $.02 cents of that allowance would be used to offset health care benefit costs. The final result is a $.07 cent cost-of-living allowance January 1, 1996.

BRS CALENDAR

New Area Code

Effective January 20, 1996, a new area code number will be in effect for Grand Lodge. The new area code will be **847**. Grand Lodge phone and fax numbers will be:

Phone: **(847)** 439-3732
Fax: **(847)** 439-3743

Auditor's Report on Finances

As provided for in Article I, Section 68 of the Constitution, the Chairman of the Grand Board of Trustees caused the examination and audit of Grand Lodge financial records for the fiscal year July 1, 1994 to June 30, 1995 by certified public accountants. The firm Geissler & Associates was selected for the task.

The audit was completed and submitted to the Grand Board of Trustees on August 24, 1995. Copies were furnished to each Local Lodge and General Committee on October 16, 1995. In a written report the auditors stated:

"In our opinion, the accompanying balance sheet and statements of income and capital and cash flows present fairly the financial position of the Brotherhood of Railroad Signalmen at June 30, 1995, and the results of its recorded transactions and cash flows for the year ended in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year."

GENERAL FUND

Summary Statement of Income, Expenses and Capital

INCOME:		
Per capita tax, initiation fees, dues, donations, refunds	$2,523,357.68	
Sales of supplies, services, books, advertising, subscriptions	22,723.58	
Interest and rental income	190,487.71	
Convention entertainment fund	9,600.00	
Gain on sale of Labor Building	1,405.53	
		$2,747,574.50
EXPENSES:		
Salaries, payroll taxes, insurance	$1,611,654.67	
Travel expenses	329,575.48	
Office expenses	300,795.11	
Association per capita, dues, subscriptions	89,694.92	
Attorney fees, professional services	82,651.45	
Depreciation	63,135.92	
Building expenses	231,475.27	
Meeting expenses	25,640.69	
Signalman's Journal and Update	148,474.08	
Moving expenses	113.48	
Print Constitution	20,788.79	
Convention	104,223.54	
		3,008,223.50
NET INCOME (LOSS)		(260,649.00)
CAPITAL -- June 30, 1994		1,076,223.38
CAPITAL -- June 30, 1995		$ 815,574.38

CONTINGENT FUND

Summary Statement of Income, Expenses and Capital

INCOME:		
Dividends		$ 42,252.36
EXPENSES:		
Strike Administrative Costs	$25,476.59	
Strike - Monthly Health Insurance	41,000.48	
Strike - Benefit Payments	40,530.00	
		107,007.07
NET INCOME (LOSS)		(64,754.71)
CAPITAL -- June 30, 1994		$3,038,083.80
CAPITAL -- June 30, 1995		$2,973,329.09

Brotherhood of Railroad Signalmen

Balance Sheet
June 30, 1995

ASSETS

CURRENT ASSETS	Combined	General Fund	Contingent Fund
Cash	$1,025,617.87	($ 29,952.68)	$1,055,570.55
U.S. Treasury Obligations	798,125.00	--	798,125.00
Securities - at cost	1,178,421.24	64,968.84	1,113,452.40
Accounts receivable	125,506.01	111,644.93	13,861.08
Accts. Rec.-Contingent	5,048.94	5,048.94	--
Prepaid Expenses	37,370.52	37,370.52	--
TOTAL CURRENT ASSETS	$3,170,089.58	$189,080.55	$2,981,009.03
FIXED ASSETS			
Land, Mt. Prospect, IL	140,000.00	140,000.00	--
Building, Mt. Prospect	601,237.00	601,237.00	--
Building Equipment	1,328.59	1,328.59	--
Telephone Equipment	1,135.91	1,135.91	--
Office furniture & equip.	55,829.11	55,829.11	--
TOTAL FIXED ASSETS	$ 799,530.61	$ 799,530.61	$ --
TOTAL	$3,969,620.19	$ 988,611.16	$2,981.009.03

LIABILITIES

CURRENT LIABILITIES			
Accts. Payable-General	$ 5,048.94	--	$ 5,048.94
Accounts Payable	27,408.73	24,777.73	2,631.00
Accrued payroll taxes	48,759.05	48,759.00	--
Accrued real estate taxes	99,500.00	99,500.00	--
TOTAL CURRENT LIABILITIES	$ 180,716.72	$ 173,036.78	$ 7,679.94
CAPITAL			
General Fund	$ 815,574.38	$ 815,574.38	$ --
Contingent Fund	2,973,329.09	--	2,973,329.09
TOTAL CAPITAL	$3,788,903.47	$ 815,574.38	$2,973,329.09
TOTAL	$3,969,620.19	$ 988,611.16	$2,981,009.03

Carey, Hall Elected President, Secretary-Treasurer Of Transportation Trades Department

Warning that "business-as-usual doesn't get the job done anymore," Transportation Trades Department President Ron Carey called upon the nearly 200 delegates and guests attending the Department's September 27-28 Second Regular and First Quinquennial Convention to keep "Moving America Forward."

Convention delegates unanimously re-elected Ron Carey, President of the International Brotherhood of Teamsters, as TTD President. Transport Workers Union President Sonny Hall was elected to serve as TTD Secretary-Treasurer.

The meeting served as a time of reflection for the progress TTD has made since its founding five years ago, and provided a platform for discussing the many fights to protect the jobs and rights of transportation workers that still lie ahead.

BRS President Dan Pickett installs Ron Carey (far left) and Sonny Hall as TTD President and Secretary-Treasurer, respectively.

"Our members in the transportation trade move people and goods forward every day on the job. We also are moving America forward in other ways, because through our unions, we are fighting on Capitol Hill to move America forward, keeping it on the right track," Carey said.

"Today, with the stroke of a pen, Congress is threatening generations of progress in this country – making cuts for working people, while opening huge new tax loopholes for big corporations and the rich," Carey continued. "In fact, this Congress is doing everything but address the real problems transportation workers face."

Carey stressed the need for reinvigorating the entire labor movement and fighting for issues affecting all workers and middle-class families. He cautioned against losing the "historic gains" organized labor has achieved and reverting to a "time when this country had company-dominated unions, when we didn't have secure Medicare and Medicaid protection, OSHA enforcement, the 40-hour work week, the minimum wage, Davis-Bacon, and other vital rights for working people.

Throughout the convention one message clearly came across: that transportation labor – in solidarity with all unions – must fight harmful measures that many in Congress, supported by their powerful, anti-union industry allies, promulgate.

"The key to all these proposals is that we continue to work together, get our members and their families involved, and reach out to other allies who share our views," Carey explained. "We've got to roll up our sleeves, get back to our roots, and rebuild the labor movement – and this country – from the bottom up.

Letters To The Editor column will return next issue. Parties wishing to write the Editor should address their letters to:

The Signalman's Journal
Box U
Mt. Prospect, IL 60056

The Signalman's Journal reserves the right to edit letters for clarity, punctuation and length. All letters must be signed; however, names will be withheld from publication upon request.

National Negotiations: Strike Ballot Ratified

Brotherhood of Railroad Signalmen members have ratified a strike ballot in connection with the impasse in national negotiations on wages and benefits. The final tally on November 27 showed a 9 to 1 margin in favor of a strike.

The strike ballot was authorized by the Executive Council after six months of exploratory talks and 12 months of negotiations. After meeting a total of 27 times over an 18-month period, the National Carriers' Conference Committee has shown once again that it will not negotiate to achieve an agreement, but is merely content to drag out the negotiating process as long as it can.

After the results of the strike ballot were tallied, President Pickett stated, "We must stand united and reject these unreasonable demands. Through their balloting, BRS members have sent a united message to the railroads that we intend to secure a fair and equitable agreement that provides all BRS members with the decent standard of living that is rightfully ours."

In addition to the BRS, the other members of the rail labor coalition consisting of the International Association of Machinists and Aerospace Workers, the International Brotherhood of Electrical Workers, and the Sheet Metal Workers' International Association, have also stated they are at an impasse and have requested to be released from mediation.

Corporate Profits Continue To Soar

Railroads Continue To Out-Earn Their Competition

To the surprise of no one, railroads remain extremely profitable and they continue to out-perform their competitors on the return on investment ratios.

Business Week magazine compiles one of the best known profit reports which includes 900 of the nation's largest corporations. A common way to rank firm and industry profitability is to look at profit on stockholders' equity. Basically, this measures the percentage return on the money that stockholders have invested in the company.

Of the three groups that compete with each other, railroads, transportation services, and trucking & shipping, railroads continue to crush the competition. Railroads were the most profitable when ranked by return on equity, registering a staggering 15 percent return. Transportation services were second with a 12.1 percent return followed by trucking & shipping with a 5.2 percent return. The profit reports clearly show that the railroad industry earns three times as much on its investments as its main competitor, the trucking & shipping industry.

The six railroads listed in the report are Burlington Northern/Santa Fe, Conrail, CSX, Norfolk Southern, Southern Pacific Rail, and Union Pacific. While the industry averaged a return of 15 percent, this included an individual high of 24.3 percent for the Burlington Northern/Santa Fe and a low of 12.6 percent for the Union Pacific.

Railroad Retirement INFORMATION

RRB Sickness Benefits

In addition to unemployment benefits for those who become unemployed but are ready, willing and able to work, the Railroad Unemployment Insurance Act provides sickness benefits for qualified railroaders who are unable to work because of sickness or injury. These sickness benefits are also payable to female rail employees when they are unable to work because of pregnancy and childbirth. Only five State unemployment systems (California, Hawaii, New Jersey, New York and Rhode Island) and Puerto Rico also provide sickness benefits.

The following questions and answers provide information on the sickness benefits payable under the Act by the Railroad Retirement Board.

1. What is the daily benefit rate payable in the benefit year that began July 1, 1995?

Almost all employees qualify for the current maximum daily benefit rate of $36. Benefits are generally payable for days of sickness in excess of four in 14-day registration periods, which yield $360 for each two full weeks of sickness. However, sickness benefits payable for the first six months after the employee last worked are subject to tier I railroad retirement payroll taxes, unless benefits are being paid for an on-the-job injury.

2. What are the requirements for receiving sickness benefits in the current benefit year?

To qualify for normal sickness benefits, an employee must have had railroad earnings of at least $2,100 in calendar year 1994, not counting more than $840 for any month. Those who were not employed in the rail industry before 1994 must also have worked in at least five months of 1994 (not necessarily full-time in each month).

To be eligible for sickness benefits, a qualified employee must be unable to work because of illness or injury. A "day of sickness" is a day on which the employee meets these conditions and for which he or she does not receive any pay and has filed a "statement of sickness" providing evidence of the employee's medical condition and signed by the employee's doctor (or other authorized individual).

Pay preventing the payment of sickness benefits includes wages, salary, pay for time lost, pay while sick, dismissal allowances, most wage guaranty payments, vacation pay, holiday pay, or remuneration other than subsidiary remuneration.

However, payments received under a governmental sickness insurance plan, such as a supplemental sickness benefit plan established by a railroad, an employee's own health or accident insurance policy or a group insurance policy, will not affect entitlement to sickness benefits and should not be reported on claims.

3. How long are these benefits payable?

Normal sickness benefits are paid for up to 130 days (26 weeks) in a benefit year. The total amount of sickness benefits which may be paid in the current benefit year cannot exceed the employee's railroad earnings in calendar year 1994, counting earnings up to $1,085 a month.

Claimants who have 10 or more years of service and exhaust their normal sickness benefits may be eligible for extended benefits. Also, if they are not qualified for normal benefits in the current year, but received normal benefits in the previous year, they may still be eligible for extended benefits. In order to qualify for extended sickness benefits, claimants must not have voluntarily retired and must be under age 65.

If claimants have 10 to 14 years of service, extended sickness benefits are payable for up to 65 days (13 consecutive weeks). If they have 15 or more years of service, extended benefits are payable for as many as 130 days (26 consecutive weeks).

In addition, employees who have 10 or more years of service and whose earnings do not qualify them for sickness benefits in the current benefit year, but have earnings of at least $2,125 in calendar year 1995, not

counting earnings of more than $850 a month, may qualify for accelerated benefits in the current benefit year. To be eligible they must have 14 or more consecutive days of sickness and be under age 65.

4. How does a person claim sickness benefits?

An "Application for Sickness Benefits" and an attached "Statement of Sickness" (Forms SI-1a and SI-1b) can be obtained from railroad labor organizations, railroad employers or any Board office. An application and a doctor's statement of sickness are required at the beginning of each period of continuing sickness for which benefits are claimed. If an employee becomes unable to work because of sickness or injury, the employee should complete the application and take or send it to his or her doctor for completion of the attached statement of sickness. The forms should not be detached.

After completion, the forms should be mailed to the Board's headquarters in Chicago by the seventh day of the illness or injury. After the Board receives the application and statement of sickness and determines eligibility, 14-day claim forms are mailed to the claimant for completion and return to a Board field office for processing. The claim forms must be received at the Board within 30 days of the last day of the claim period, or within 30 days of the date the claim form was mailed to the claimant, whichever is later.

Claimants should be aware of the need for timely filing, as sickness benefits may be lost if an application or claim is filed late.

5. If the claimant is too sick to complete an application can someone act on his or her behalf?

Yes. This is why the Board suggests that employees keep their application form on hand and that family members know where the form is kept and how to use it. In that way, if the claimant is too sick to complete the application, someone else may do so. In such cases, a family member should also complete Form SI-10, "Statement of Authority to Act for Employee," and include it with the application. Form SI-10 is printed on the back of newer statements of sickness and can also be obtained from any Board field office.

6. How does the required waiting period affect someone applying for sickness benefits?

No benefits are payable under the Railroad Unemployment Insurance Act for the first claim for sickness in a benefit year, which generally results in a two-week waiting period. But claimants are still required to file a claim for their days of sickness during the waiting period in order to satisfy the waiting period requirement; otherwise they may lose benefits for claims after the waiting period. After the waiting period has been satisfied, benefits are normally paid for the number of days of sickness over four in 14-day registration periods.

If an employee has at least four consecutive days of sickness and five days of sickness overall in the first 14-day period of a period of continuing sickness, he or she should consider filing a claim even though no benefits would be payable on the basis of this initial registration. The five days of sickness would fulfill the waiting period requirement for the benefit year, if the claim is filed on time, and any subsequent 14-day period could then be payable for all days over four.

7. What is meant by a "period of continuing sickness"?

A "period of continuing sickness" means either (1) a period of consecutive days of sickness, whether from one or more causes, or (2) a period of successive days of sickness due to a single cause without interruption of more than 90 consecutive days which are not days of sickness. An example of a qualifying situation under the latter condition would be an ailment such as chronic arthritis which could disable an employee for several days in a row, then be relieved for a brief period before recurring and forcing the employee to again be absent from work. Assuming this sequence of events occurred within 90 days, the "period of continuing sickness" would still be in effect and the employee could receive sickness benefits without again satisfying the four consecutive day requirement for a new sickness.

8. Under what circumstances could an employee be disqualified from receiving railroad sickness benefits from the Railroad Retirement Board?

If employees have been paid a separation allowance by their employer, they cannot receive sickness benefits for roughly the period of time it would have taken to earn the amount of the allowance.

They may also be disqualified for sickness benefits if they fail to take a medical examination when required by the Board. They will be disqualified for 75 days if they make a false or fraudulent statement or claim in order to get benefits. They may also be subject to a fine or imprisonment. The Railroad Retirement Board conducts checks with Federal agencies and all 50 states as well as railroads in order to detect fraudulent benefits claims, and the Board also conducts checks with physicians to verify the accuracy of medical statements supporting sickness benefit claims.

9. Would the receipt of other payments from the Railroad Retirement Board or other government

Cont. on next page)

Railroad Retirement Information

(Cont. from preceding page)

agencies affect the payment of sickness benefits?

If an employee receives a retirement, disability or survivor benefit under the Railroad Retirement Act, Social Security Act, or any other social insurance law for days for which he or she is also entitled to benefits under the Railroad Unemployment Insurance Act, sickness benefits are payable only to the extent by which they exceed the other payments for those days. Examples of other such social insurance payments are military pensions, firefighters' and police pensions, or worker's compensation payments. Claimants should report all such other payments promptly to avoid having to refund benefits later.

In addition, railroad sickness benefits are not payable if Federal/State unemployment or sickness benefits are also paid under other laws, including Canadian law, for the same period of time.

10. Would an award for damages or a settlement for an injury affect entitlement to sickness benefits?

If an employee is awarded damages or receives a settlement because of an injury, any sickness benefits already paid for the same injury will have to be deducted from the settlement and refunded to the Board. Any benefits due for the same injury for later periods may be withheld. The amount recoverable or withheld in such cases cannot, however, exceed the net amount of the damages or settlement after medical and legal expenses have been deducted.

11. How long does it normally take to receive payments?

Because the Railroad Unemployment Insurance Act requires a waiting period and prepayment verification of all claims, a claimant's first sickness benefit payment will not normally be received until at least the sixth week after he or she becomes sick. The noncompensable waiting period generally covers the first two weeks of sickness.

Nonetheless, claimants who file an application for sickness insurance benefits may expect to receive a claim form, or a decision on their application, within 15 days of the date a Board office receives the application. When they subsequently file their biweekly claims, they may expect to receive payment, or a decision on their claim, within 15 days of the date a Board office receives the claim form.

However, some claims for benefits may take longer to handle than others if they are more complex, or if a Board office has to get information from other people or organizations. If this happens, claimants may expect an explanation and an estimate of the time required to make a decision. Also, claimants who think a Board office made the wrong decision about their benefits have the right to ask for review and to appeal. They will be notified of these rights each time an unfavorable decision is made on their claims.

12. Can railroad sickness claimants receive their benefit payments through "Direct Deposit"?

Direct Deposit is the normal method of payment for railroad sickness insurance benefits. With Direct Deposit, benefit payments are made directly to an employee's bank, savings and loan, credit union or other financial institution. New applicants for sickness benefits will be asked to provide information needed for Direct Deposit enrollment. Benefits are paid by check only if an applicant does not have a checking or savings account, or other special circumstances exist that would cause the employee hardship if benefits were paid by Direct Deposit.

13. How can claimants receive more information on these sickness benefits?

To get additional information, claimants should contact the Railroad Retirement Board field office nearest them. The address and phone number of the nearest field office can be found in the telephone directory under "United States Government," or they can check with their local union official, rail employer, post office, or Federal Information Center. Most Board field offices are open to the public from 9:00 a.m. to 3:30 p.m. Monday through Friday.

Retiree Earnings Limits to Rise

Railroad retirement annuitants who work after retirement can earn more in 1996 without having their benefits reduced, as a result of increases in earnings limits indexed to average national wage increases.

Railroad retirement annuities generally consist of tier I and tier II benefits and may include certain vested dual benefit payments and/or a supplemental benefit. Like social security benefits, railroad retirement tier I benefits and vested dual benefits paid to employees and spouses, and tier I, tier II and vested dual benefits paid to survivors, are subject to earnings deductions if post-retirement earnings exceed certain exempt amounts.

For those under age 65, the exempt earnings amount rises to $8,280 in 1996 from $8,160 in 1995. For beneficiaries ages 65 through 69, the exempt earnings amount rises to $11,520 in 1996 from $11,280 in 1995. These earnings limitations do not apply to any annuitants age 70 or older, starting with the month in which they are 70.

For those under age 65, the earnings deduction is $1 in benefits for every $2 of earnings over the exempt amount. For those ages 65-69, the deduction is $1 for every $3 of earnings over the exempt amount. However, a retired employee's earnings may also reduce his or her spouse's benefits.

Earnings consist for this purpose of all wages received for services rendered, plus any net earnings from self-employment. Interest, dividends, certain rental income or income from stocks, bonds, or other investments are not considered earnings for this purpose.

Retired employees and spouses, regardless of age, who work for their last pre-retirement nonrailroad employer are also subject to an earnings deduction, in their tier II and supplemental benefits, of $1 for every $2 in earnings up to a maximum reduction of 50 percent. This earnings restriction does not change from year to year and does not allow for an exempt amount.

Special work restrictions applicable to disability annuitants also do not change in 1996.

Regardless of age and/or earnings, no railroad retirement annuity is payable for any month in which an annuitant (retired employee, spouse or survivor) works for a railroad.

1996 Railroad Retirement Taxes

While regular railroad retirement tax rates are not changed for 1996, the amounts of compensation subject to these payroll taxes are scheduled to increase in January 1996 as a result of indexing to average national wage increases.

The railroad retirement tier I tax rate of 7.65 percent for employers and employees, which is the same as the social security tax and for withholding and reporting purposes is divided into 6.20 percent for retirement and 1.45 percent for medicare hospital insurance, remains the same. However, the maximum amount of an employee's earnings subject to the 6.20 percent rate will increase to $62,700 in 1996 from $61,200 in 1995. There is no maximum on earnings subject to the 1.45 percent Medicare rate; all of an employee's compensation is subject to the Medicare tax.

The maximum amount of earnings subject to the railroad retirement tier II tax of 4.90 percent on employees, and 16.10 percent on employers, will increase to $46,500 from $45,300.

In 1995, the regular railroad retirement tax on an employee earning $61,200 was $6,901.50 and the employer's regular railroad retirement tax on such an employee was $11,975.10. In 1996, the railroad retirement tax on an employee earning $62,700 will be $7,075.05 compared to $4,796.55 under social security, and the employer's tax will be $12,283.05.

The rate of the supplemental railroad retirement annuity tax paid by rail employers is determined quarterly by the Railroad Retirement Board. The rate for all four quarters of 1995 has been 33 cents per work-hour; the rate for the first quarter of 1996 will be announced later in 1995.

Employers also pay basic railroad unemployment insurance taxes, which are experience rated by employer. In 1996, the basic unemployment insurance tax rates on railroad employers will range from a minimum of 0.65 percent to a maximum of 12 percent on monthly employee compensation up to $865. New employers in 1996 will initially pay a basic tax rate of 2.31 percent. About three-fourths of all employers in the country will be assessed the minimum basic rate of 0.65 percent, which is $5.62 per month per employee in 1996.

The railroad unemployment and sickness benefit programs are financed solely by payroll taxes on railroad employers; employees are not subject to these taxes.

Time Is Still Money

Americans Prefer Overtime Pay to Comp Time

With the passage of the Fair Labor Standards Act (FLSA) in 1938, American workers won the struggle for the 40-hour work week. The FLSA sought to guarantee an adequate standard of living for working Americans by establishing a minimum wage and requiring overtime pay. Under the Act, employers are required to pay nonsupervisory employees "time and a half" for hours worked in excess of 40 in a given week.

The FLSA has recently come under fire from employer organizations who charge that the Act is inflexible and prevents companies from implementing new forms of work organization. They have proposed a variety of changes. Key among them is a proposal to let employers, at their discretion, schedule workers for compensatory time off (i.e., fewer hours the following week) instead of overtime pay for working more than 40 hours in a week. For example, employers could schedule workers for 60 hours one week and 20 the next, or any other combination, without paying overtime provided the total number of hours is the same as if the employee worked two 40-hour weeks.

Easing the overtime pay requirement does not give employers a new freedom to vary workers' schedules – they can do this under current law by paying overtime for the longer work week. But if the overtime pay requirement is relaxed, variability in scheduling is likely to become more common, and workers are likely to lose the extra income they now receive for overtime work.

Employers may support this change, but, according to a poll conducted by Lake Research, the American public does not want to give up the 40-hour work week.

Two-thirds of American Workers Support Overtime Pay

The public overwhelmingly opposes a policy that would allow employers, at their discretion, to schedule compensatory time off instead of overtime pay for those working more than 40 hours in a week. Nearly two-thirds (64 percent) of respondents oppose the change (and more than half – 54 percent – are strongly opposed). Among hourly workers, whose schedules are currently the least flexible and who would be most affected by the change, 70 percent are opposed, including 79 percent of male hourly workers and 60 percent of females. Among salaried workers, most of whom do not currently benefit from the overtime provisions of the FLSA, 61 percent are opposed. Employees with and without children are nearly equally opposed, while older employees are more likely to be opposed to the change than are younger workers.

Support for Overtime Pay is Strong Across the Political Spectrum

Respondents of all political ideologies oppose the change in policy, with the strongest opposition coming from moderates (69 percent). More than 60 percent of those who call themselves very conservative, somewhat conservative, or somewhat liberal oppose substituting compensatory time off for overtime pay; opposition is weakest among those who call themselves very liberal (57 percent). About two-thirds of people who say they voted for Clinton or Perot in the 1994 election are opposed to the proposal, as are a large majority of Bush voters (59 percent).

Vast Majority Say Additional Hours Would be a Burden

A change in policy that allows employers to substitute compensatory time off for overtime pay is likely to lead to more variable work schedules. The poll asked respondents if working an additional five to 25 hours per week with little or no notice would be a "burden." Among all workers, 75 percent said the additional hours would be a large burden or somewhat of a burden; the figure rose to 84 percent among employed women.

The additional hours could be particularly burdensome for

families with children. Eighty-eight percent of employed women with children and 71 percent of men with children reported that the additional hours would be either a large burden or somewhat of a burden. Younger workers age 18-24 were the most likely to call the additional hours a burden (92 percent). Conservatives and liberals were fairly close in their responses: 73 and 77 percent, respectively, said such an arrangement would be a burden.

Workers Say Fewer Hours Next Week is not Adequate Compensation for Working Overtime This Week

One of the proposals for altering the FLSA would allow employers to schedule employees for more than 40 hours in a week without paying them overtime as long as the workers were scheduled for fewer than 40 hours the following week. Fifty-eight percent of all workers and 62 percent of hourly workers oppose this proposal, regardless of whether they have children. Prime working-age respondents (age 25-44) are the most likely to call this a bad idea, although majorities in all age groups oppose it. Opposition also cuts across political lines, with majorities of both conservatives and liberals opposing the idea.

Conclusion

While workers may desire greater flexibility, they do not want to sacrifice overtime pay and established work schedules to obtain it. Opposition is extremely broad based: both men and women, with and without children, of all political viewpoints oppose a policy to replace overtime pay with compensatory time off.

CHANGE OF STATUS FORM

Please advise us of any changes. If you move or if the mailing label on this issue of The Signalman's Journal fails to reflect a current address or receiving party, please fill out this form, tape or paste the mailing label in the space provided and mail the form to:

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1998 Convention Location Information

At the 1994 Convention, the delegates voted on the following cities for the 1998 Convention site: first choice, Reno, Nevada; second choice, Cincinnati, Ohio; and third choice, Las Vegas, Nevada.

President Pickett, Vice President V. Van Artsdalen, Secretary-Treasurer R.R. Foley, and Trustee's Secretary G.E. Jones researched and visited a number of hotels in the Reno/Sparks area in northern Nevada. The only hotel with any measure of organized employees, the Reno Hilton was uninterested in serving as the BRS Convention hotel in July 1998, due to the summer months being the peak time in northern Nevada for resort hotels.

Lacking a suitable Convention site, the Grand Executive Council and the Grand Board of Trustees, acting in accordance with Article I, Section 88 of the Constitution, recently voted unanimously to change the location of the 1998 Convention from Reno, Nevada to Cincinnati, Ohio. The decision of both bodies was based on the fact that there in no organized hotel in the Reno/Sparks area willing to serve as the BRS Convention hotel.

Secretary-Treasurer Foley sent notices of the change to all Local Lodges on October 31.

FELA Directory - BRS Counsel

When Signalmen suffer a work-related injury or illness, BRS members or their families are encouraged to determine their rights and benefits under the Federal Employers' Liability Act before agreeing to any settlement with the railroad employer. The Brotherhood of Railroad Signalmen has designated the attorneys listed in this directory to serve as qualified counsel for BRS members in employee injury cases covered by FELA.

Attorneys are listed by state and are designated to serve BRS members living or working in the general region of their offices. Designation of FELA counsel is by authority of the BRS Executive Council only.

BRS members are encouraged to provide information regarding FELA cases, including criticism or commendations regarding the service of designated counsel, and information on injuries and settlements. This information, which will be used in the continuing evaluation of this program, should be sent to W. D. Pickett, President, Brotherhood of Railroad Signalmen, Box U, Mount Prospect, IL 60056-9048.

***Bold** print denotes additions or changes since the last issue of the Journal.*

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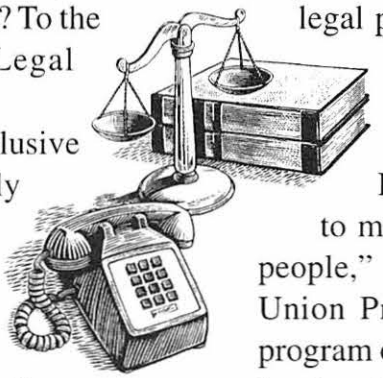
Free and Discounted Legal Service Available Through Union Privilege

No Charge on Most Cases; Complex Matters Handled for 30% Off

There are times when you may need legal help or you simply have a legal question. Perhaps you've purchased a product that has turned out to be a "lemon," are faced with signing a complicated legal document, or need expert advice on a problem. Where can you turn? To the Union Privilege Legal Service.



Through this exclusive union-members-only program, you get the legal advice you need at rates you can afford — and most often for free. According to surveys, 75 percent of the matters brought to lawyers through the Legal Service are handled without charge.

The program entitles you to a free consultation (up to 30-minutes) with an attorney on any matter that is not union-related. You may discuss the matter in person or by phone. If your attorney thinks a letter or a phone call can resolve your problem, then it will be done — for free. If you need more in-depth legal assistance, you're eligible for a 30 percent discount on all services provided. The program also offers a free review of your personal documents — such as leases, insurance policies or sales contracts — at no charge (some limitations apply). And this represents real savings, especially compared to similar legal programs, which can cost up to $100 in membership fees per year.

"The Union Privilege Legal Service is designed to meet the needs of working people," said Charles McDonald, Union Privilege president. "The program offers free and discounted legal assistance — without complications. It helps members avoid the high cost of legal assistance while providing them with service from a lawyer they can trust."

The Union Privilege Legal Service does not cover matters involving union-related organizations or officials. Lawyers are not obligated to take a case and may decline if they choose.

For more information on the Legal Service or for the names of participating attorneys in your area, contact your local leader or call **1-800-452-9425**.

Sabotage Responsible For Amtrak Wreck

Arizona Derailment Kills 1, Injures 100

One or more saboteurs with sophisticated knowledge of railroading set a trap in the Arizona desert October 9 that derailed an Amtrak passenger train, killing one crew member and injuring at least 100 passengers.

Two locomotives and four cars of the 12-car Sunset Limited traveling to Los Angeles with 248 passengers and 20 crew members plunged 30 feet off the end of a trestle into a dry stream bed about 2:20 a.m.

Amtrak operations chief Danny Sullivan said the tampering required knowledge of railroad signal systems and that the act may have been committed by a person working alone.

Vandalism occurs on railroads every day. Last year, rail police investigated more than 64,000 incidents with an approximate cost to the industry of $30 million annually. Theft accounted for one-third of the reported crimes on the railroads.

Deliberate damage to rail tracks and signals was reported more than 10 times a day.

While it is rare for railroads to catch and prosecute individuals that commit vandalism, and even rarer to obtain a conviction for the crime, the penalty can be severe.

In the 1994 "Crime Bill" which included harsher penalties for certain crimes, Section 1992 of Title 18 called 'Wrecking Trains,' changed the penalty for actions which resulted in the death of a person traveling on a train under certain conditions.

As with most crimes, in order to obtain a conviction for wrecking trains, the prosecution must prove intent. In the words of the statute, the offense must be "willful." In the 1994 "Crime Bill," this aspect of the law – that is, the definition of the crime involving intent – was not changed.

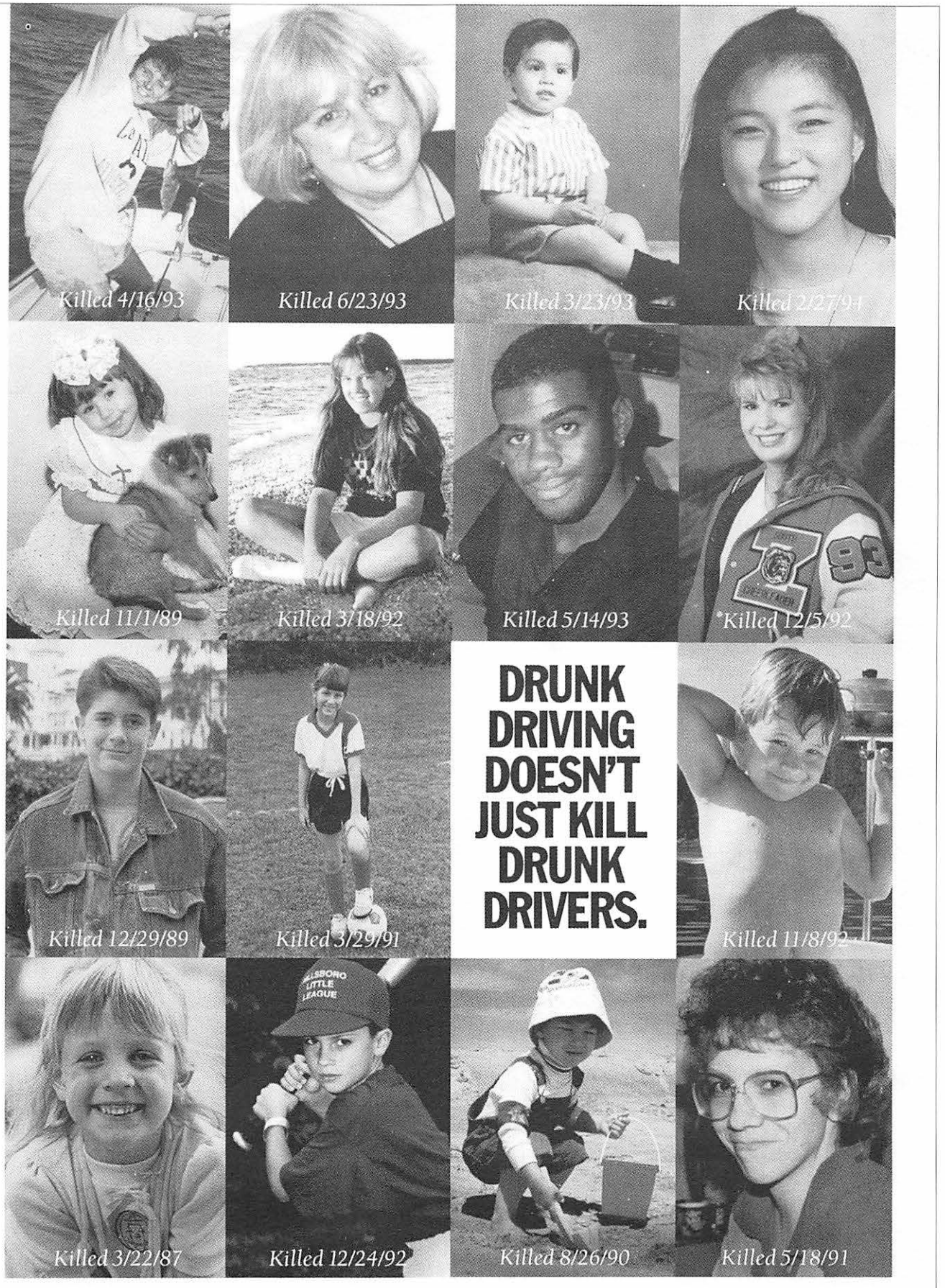
What the Crime Bill did change is the penalty for willfully wrecking trains when loss of life results. Whereas previous law gave the court discretion to impose the death penalty, imprisonment for life, or a lesser sentence, the Crime Bill requires the court to impose either the death penalty or imprisonment for life.

The following is a reprint of Section 1992 of Title 18:

> "Sec. 1992. Wrecking Trains
>
> Whoever willfully derails, disables, or wrecks any train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce by any railroad; or
>
> Whoever willfully sets fire to, or places any explosive substance on or near, or undermines any tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of any such railroad in interstate or foreign commerce, or otherwise makes any such tunnel, bridge, viaduct, trestle, track, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance unworkable or unusable or hazardous to work or use, with the intent to derail, disable, or wreck a train, engine, motor unit, or car used, operated, or employed in interstate or foreign commerce; or
>
> Whoever willfully attempts to do any of the aforesaid acts or things -
>
> Shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.
>
> Whoever is convicted of any such crime, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life.
>
> A judgement of conviction or acquittal on the merits under the laws of any state shall be a bar to prosecution hereunder for the same act or acts."

The evidence found at the accident site suggested that those responsible knew the precise time the train was due, were well-versed in rail track work, knew how to reach the remote site and knew where to tamper with the track structure to cause the maximum possible damage.

If intent can be established, the responsible party or parties would, if convicted, be subject to either the death penalty or to imprisonment for life.



If you don't stop your friend from driving drunk, who will? Do whatever it takes.

FRIENDS DON'T LET FRIENDS DRIVE DRUNK.

Ad Council

U.S. Department of Transportation

Labor History

Rose Pesotta: Active Organizer

By: Monique Bourke
Monique Bourke is a Ph.D. candidate in American History at the University of Delaware.

Rose Pesotta was an anarchist, an organizer for the International Ladies' Garment Workers Union (ILGWU), now UNITE, and the union's only female vice president from 1934-1944.

During her tenure as a union official she worked both to promote unionism among the unorganized and to influence the ILGWU to organize more forcefully among the unskilled. An effective organizer, she tried to establish educational programs wherever she went, believing that organization comes from the voluntary cooperation of independent, informed individuals.

Pesotta came to the United States in 1913 at the age of 17 to escape marriage and a traditional Jewish home life in her village of Derazhnya in the Ukraine. She moved in with her sister, obtained a job in a shirtwaist factory, and joined the union. Except for a brief stint of several months when she trained as a nurse, she would remain active in the ILGWU for the rest of her life.

In 1922, as a union member, Pesotta received a scholarship to attend the Bryn Mawr Summer School for Women Workers. The school, founded in 1920, was dedicated to giving women workers an experience in higher education. The students, many of whom had never progressed beyond grade school, came to study such subjects as history, economics, English and science. Some of the students were union members, others were not. But many of them left Bryn Mawr to become organizers, and credited their experience there with giving them the courage and the intellectual ammunition with which to effect change.

Believed in Education

Rose Pesotta left Bryn Mawr convinced that the most important part of improving workers' conditions was education. She had become an anarchist while a young girl in Russia, and since her arrival in the United States had been attempting to find the best way to combine her political views with her union activity.

After holding office in her local's executive board in 1921 and being active on behalf of the ILGWU's eventual president David Dubinsky in the struggles between communists and social democrats for control of the union in the 1920s, Pesotta was made an organizer in 1933. In the following year, she was elected vice president.

Active Organizer

During this period, she was unusually active as an organizer across America and Canada – in Puerto Rico, Montreal, Los Angeles, Boston, San Francisco, Seattle, and Buffalo. She also served as a troubleshooter for the Congress of Industrial Organizations (CIO), working with rubber workers in Akron, Ohio in 1936 and auto workers in Flint, Michigan in 1936-37 during their historic sit-down strikes.

In her organizing, she paid special attention to groups traditionally considered unorganizable, such as Catholic dressmakers in Montreal and Hispanic workers in the Los Angeles area. In Los Angeles, she ran an organizing campaign in Spanish using Spanish language leaflets and radio broadcasts. Her efforts were rewarded when the Mexican-American garment workers won the right to union representative by successfully striking.

She also called for union attention to the plight of San Francisco's Chinese sweatshop workers, and argued for the admission of Puerto Rico to statehood as a basis for improving conditions for the island's needleworkers.

Stages Spectacles

Pesotta regarded herself as a propagandist whose role it was to establish a basic union structure in her assigned area, then move on to the next task.

She often staged spectacles to gain newspaper attention and local support for the union. That community support was always an important element to the success of job action. She encouraged workers to dress in their own fashionable creations when picketing unfair manufacturers at a fashion show. On one occasion, she arranged for the children of strikers, brightly dressed in their Halloween costumes, to join their mothers on the picket line.

But Pesotta's anarchist politics brought her into conflict with other union vice-presidents and with the ILGWU President David Dubinsky. In 1942, she resigned as an organizer and in 1944 declined renomination for another term as vice president.

Pesotta remained active in union and anarchist affairs after her retirement from union office, traveling, giving speeches, and writing about her life and experiences. Except for a brief period as assistant to the labor director for the Anti-Defamation League, Pesotta continued to work as a seamstress until a few months before her death from cancer in 1965.

$150,000 In Union MasterCard Scholarships To Be Awarded in 1996

Dedication to Union, Career, School, Social and Civic Activities Honored

Mention the word "scholarship" and what comes to mind? A picture of a young high school graduate carrying a diploma and dressed in a cap and gown?

That's the traditional view.

Now picture this: A 48-year-old wife and mother of three who also holds down a full-time job, attends college part time at night, and is active in her community and her union.

That's the description of what more and more outstanding graduates are beginning to look like. And Union MasterCard Scholarship recipient Barbara Troup is a perfect example. Troup received her LPN degree from Lenape Practical Nursing School in Pennsylvania in February 1995, and now is rewarded with more money and more challenging job responsibilities in the nursing center where she has worked for over 14 years. She was honored with a Union MasterCard Scholarship in 1993 not only because she received excellent grades but also because of her ability to combine work, school and caring for her disabled husband while also performing duties as president of her local union.

"Thanks to the union and our contract, I have been able to work full time and attend school part time," she notes. "And thanks to the Union MasterCard Scholarship, it has been much easier to achieve my educational goals without putting an extra financial burden on my family."

The Union MasterCard Scholarship Program, now in its fifth year, will once again be honoring outstanding graduates, both traditional and otherwise, with $150,000 in scholarships in 1996. Open to union members as well as their spouses and their children, the program offers one-time cash grants of $500 to $4,000 to help defray the costs of higher education.

To receive an application, individuals may send their requests on a postcard stating their name, Union affiliation (BRS), and return address to union MasterCard Scholarship, P.O. Box 9389, Minneapolis, MN 55440-9389.

The application deadline is February 28, 1996. Scholarship recipients will be announced June 30, 1996 (only winners will be notified). Applicants interested in receiving confirmation of the receipt of their application should enclose a self-addressed, stamped postcard along with the postcard application; phone call inquiries will not be accepted, either for receipt of application or for award status.

To qualify, applicants must be accepted into or be attending an accredited university, college or community college, or a recognized trade or technical school by June 30, 1996. Graduate students are not eligible.

At least one year of continuous, good-standing membership in a union that participates in the Union MasterCard Program is required for a member or a dependent of a member to apply. However, members need not be Union MasterCard credit card carriers in order to qualify.

Award Criteria

Applicants will be selected based on academic achievement and potential, character, leadership abilities, social awareness, career goals and financial need.

Along with the entry form, each applicant must submit one reference, a verification of union membership, and an essay of 500 words explaining his or her aspirations and why he or she deserves a union scholarship.

So far, the Union MasterCard Scholarship Program has awarded over $480,000 to more than 300 scholarship recipients from AFL-CIO unions. Recipients have ranged from high school valedictorians to unemployed union members to students with disabilities. However, the qualities each have in common include an outstanding academic track record, and an understanding of and a commitment to the labor movement, factors that figured highly into who would be chosen for the awards.

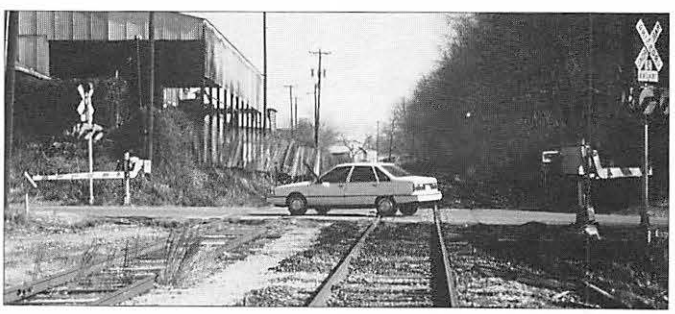
Union MasterCard offers union members and their families a no-annual fee MasterCard credit card with a variable Annual Percentage Rate (APR) of 13.75 percent (as of October 15, 1995),* one of the lowest rates of the nation.

*Variable 13.75 percent APR as of October 15, 1995; adjusted quarterly by The Bank of New York (Delaware), an equal-opportunity lender.

School Bus Accident Aftermath Stresses Need For Improved Grade Crossing Protection

On October 18, seven high school students were killed in a grade crossing accident in Fox River Grove, Illinois. The accident occurred when the school bus stopped at a traffic light with the rear of the bus extending over the nearest set of railroad tracks. The bus was struck by a Metra commuter train bound for Chicago.

The National Transportation Safety Board (NTSB) is doing extensive testing at the crossing where the fatal accident occurred and up to this point, all indications are that the railroad crossing signals and gates were functioning properly and were activated for more than the minimum 20 seconds of warning time required by federal regulations. The preliminary report on the highway traffic signals indicates that the northbound traffic light, which governed the direction the bus was traveling, only turned green for two seconds when tested using an express commuter train through that crossing.



Motorist going around lowered crossing gates as a train approaches.

Until the final NTSB report is out, however, the cause of this accident remains speculative.

This article will focus on what can be done to make railroad crossings safer, for both the traveling public and railroad workers.

The BRS has identified several criteria that would help in identifying the most effective and appropriate means of improving grade crossing safety.

The Problem

Grade crossings offer one of the most serious public safety hazards on today's railroad system. The past decade has seen a yearly average of 5,866 crossing accidents resulting in an average of 2,326 injuries and 643 fatalities. The magnitude of the grade crossing safety problem has prompted both the federal government and the railroad industry to spend hundreds of millions of dollars to improve crossing safety in recent years.

Grade crossing safety poses even more difficult challenges when higher operating speeds are obtained for commuter express trains. Because of the high velocity that these trains can attain, some motorists cannot rely upon their senses to safely detect their approach. Furthermore, motor vehicle collisions involving high speed trains are more likely to result in serious accidents and fatalities than accidents involving slower moving trains. Increases in train speeds are often cited as a reason that recent reductions in the number of grade crossing accidents have not been matched by a corresponding reduction of crossing fatalities. While crossing accidents have declined in eight of the last ten years, fatalities have increased in five of those years.

Crossing Elimination vs Crossing Protection

Obviously, the ultimate solution to the problem of grade crossing safety is to eliminate rail highway grade crossings altogether. The FRA is already moving vigorously in this direction. The BRS recognizes that in many circumstances this is an appropriate solution; however, in many instances, crossing closure is not a viable alternative, especially in the short term.

Closing a grade crossing equates to closing a highway, street or roadway, which disrupts the traffic flow of a local or regional community. Local traffic disruption can be minimized by building grade separations and redesigning traffic flows; however, this solution is both extremely costly and difficult to accomplish and must be viewed more as a long-term strategy.

Safe and effective grade crossing protection devices must be developed immediately for installation where higher speed express commuter trains operate.

Criteria For High Speed Rail Grade Crossing Protection

In order to properly evaluate the most effective methods of solving the problem of grade crossing safety where higher speed express trains operate, it would be helpful to set forth some criteria to assess the effectiveness of various grade crossing protection schemes. The following is a brief discussion of important points that should be considered when developing a strategy for confronting the problem of highway grade crossing safety within these parameters.

1) **Physical Barriers** - On today's conventional railroad lines, a majority of crossings are protected with nothing more than warning devices that inform motorists of the proximity of a crossing or the approach of a train. Passive warning devices such as crossbuck signs inform motorists that they are approaching a crossing, while active warning devices such as flashing lights and bells inform motorists of the approach of a train. Together these active and passive warning devices comprise over 80 percent of the protected crossings in the nation. Such warning devices place no physical barrier or obstruction between the motorist and the train.

A more effective crossing protection device lowers a moveable gate across a roadway upon the approach of a train. The gate, positioned between the motorist and the railroad tracks, serves as a barrier to prevent vehicles from entering the crossing. New crossing technologies are exploring the use of physical barriers such as nets and retractable crash barriers which are capable of physically restraining moving vehicles.

A conventional crossing gate serves more as a psychological barrier than a physical barrier, but psychological barriers can be effective. There have been numerous reports of motorists attempting to drive around lowered gates, but very few reports of motorists intentionally driving through a lowered gate. In the final analysis, restraining the motorist from driving in front of an approaching train may be safer than restraining the motor vehicle itself.

In any event, it is universally accepted among traffic control authorities that active grade crossing protection devices which provide a physical barrier between oncoming traffic and the railroad tracks afford the safest and most thorough form of grade crossing protection.

2) **Crossing Protection Devices Must Be Safe For Motorists** - While it is important to provide a physical barrier to block traffic, the barriers themselves must not pose a hazard to traffic. Barriers capable of physically restraining a motor vehicle may be likely to damage the vehicle and severely injure the vehicle occupants.

Energy absorption barriers have been developed that can safely stop Navy fighter jets on an aircraft carrier; however, the average automobile is not nearly as strong as a high performance military aircraft. Likewise, the driver restraints in the average motor vehicle cannot be compared to the restraint systems that protect military pilots.

The BRS urges that the FRA carefully evaluate the safety of crossing protection barriers that are capable of physically stopping moving vehicles before approving any such methods.

3) **Restoring Service in the Event of Crossing Failure** - Today's crossing protection devices utilize sophisticated and complex solid state and microprocessor technology which must operate in the harsh railroad environment subject to rain, snow, subfreezing cold, high heat and humidity, and atmospheric electrical disturbance. Couple this harsh environment with the fact that crossing protection is designed on a fail safe principle wherein most malfunctions activate the crossing protection system even if no train is present, it is easy to understand why nearly 4,000 grade crossing signal malfunctions occur each month.

While those of us in the railroad signal industry constantly strive to improve the reliability of crossing protection equipment, we must be prepared to deal with the consequences of signal system malfunctions. As noted, crossing warning de-

(Continued on next page)

School Bus Accident...

(Continued from preceding page)
vices are designed to activate in the case of a failure, preventing the movement of motor vehicle traffic when no train is in the vicinity. Therefore, warning systems must be designed to allow motor vehicle traffic to be safely restored as quickly as possible in the event of a malfunction.

Ease of traffic restoration in the event of a malfunction would be especially important at railway crossings where barriers block the entire roadway causing traffic to come to a complete standstill. Not only would traffic tie-ups create great inconvenience, emergency vehicles such as ambulances and fire engines would be at risk until repairs could be made.

Any grade crossing warning system must be designed to accommodate contingencies in the inevitable event of a false activation.

4) **Cost-Effective Proven Technology** - Cost efficiency is especially important in today's political climate in which federal funding for such projects is scarce. Therefore, a high priority must be placed on seeking out reliable, cost-efficient technologies.

Both the initial construction and the continued maintenance of crossing protection devices should be done in the most economical manner possible. Ideally, existing technologies that have a proven track record of reliability and low maintenance costs can be adapted to railway crossings where higher speed express commuter trains operate.

Four Quadrant Gates

Based on the criteria outlined above, the BRS believes that a crossing protection system already exists that could reliably provide the high levels of protection necessary where higher speed express commuter trains operate. Moreover, in the event of a crossing malfunction, this system allows motor vehicle traffic to be restored quickly and safely by either traffic safety authorities or railroad employees. The system utilizes proven technology and poses no danger to motor vehicle traffic. We are referring to four quadrant gates.

Four quadrant gates differ from conventional gate-protected crossings in that the four quadrant gate places a physical barrier across all lanes of traffic; thus, both the traffic lanes entering the crossing as well as the traffic lanes exiting the crossing are blocked by the gates. This eliminates the problem of impatient drivers attempting to drive around lowered gates, a problem that frequently occurs with conventional two quadrant gate systems.

While the four quadrant gates present a suitable barrier across all possible lanes of traffic, they are constructed in such a manner that no harm will come to the inattentive motorist who inadvertently strikes the gate. Thus, the four quadrant gate itself poses no danger to motorists or motor vehicles.

Energy absorption crossing barriers are being developed that are capable of physically stopping oncoming traffic. While these barriers may be able to withstand high impact and stop trucks and other large vehicles moving at high rates of speed, careful study should be given to the safety hazards that these barriers present to motorists. In the long term, collisions between motor vehicles and protective barriers may present a greater danger to the traveling public than collisions with trains themselves.

Another advantage of four quadrant gates is that motor vehicle traffic and railroad operations can easily be restored in the event of a false activation malfunction. Once flag protection has been established at a crossing and clearance has been received from appropriate railroad authorities, four quadrant gates can easily be raised to allow for the passage of traffic until repairs can be made to the malfunctioning equipment.

Other, more elaborate types of traffic barriers may not be easily restored in a timely manner by traffic control personnel. As a result, a false activation failure could completely block all lanes of traffic on a roadway until such time as the malfunctioning devices are restored to service.

The resulting traffic congestion could impede emergency vehicles and create problems and inconvenience other motorists. Given the fact that between 3,000 and 4,000 false crossing activation malfunctions occur each month, the ability to restore traffic quickly in the event of a signal malfunction should be a major consideration in assessing the suitability of warning devices for deployment along high speed rail lines.

One other factor in support of four quadrant gates at high speed rail crossings is the fact that four quadrant gates are based upon reliable proven technology. Unlike high absorption barriers and retractable nets, gate mechanisms have been used in railroad applications for generations. Over the years they have a proven track record of safe operation under the harshest conditions in the railroad environment.

Equally important is that installation and maintenance costs of four quadrant gate crossings are just a fraction more than the costs associated with conventional two quadrant gate systems. Four quadrant gates can be operated by the same control systems that are used to operate two quadrant gates. The only modification required is the installation of two additional gate mechanisms and a timing device that would allow vehicles to exit the crossing before lowering the gates across the traffic exit lanes.

Other types of crossing protection devices such as retractable crash barriers are many times more costly than gate mechanisms and have yet to stand the test of time in the railroad environment.

Conclusion

The BRS believes that four quadrant gates offer an immediate, short term solution to the problem of providing for grade crossing safety on high speed rail lines. Four quadrant gates provide a safe yet effective barrier across all possible lanes of travel. These devices allow for motor vehicle traffic flow to be restored quickly and easily in the event of a malfunction. Finally, four quadrant gate protection systems are based on the most cost-effective technology that has proven reliability over many years of operation.

Efforts aimed at grade crossing separation, along with research and development of alternative crossing protection technologies, should continue to be pursued as a means of eliminating hazards associated with crossings along high speed rail corridors. For the immediate future, however, four quadrant gates offer the safest, most effective and cost-effective means of protecting railway crossings where higher speed express commuter trains operate. The BRS believes four quadrant gates should be considered as a minimum standard for all current rail projects where grade crossing warning systems are installed.

As a result of the bus accident in Fox River Grove, the National Transportation Safety Board has urged all state highway directors to inventory all highway-rail grade crossings where highway traffic signal are interconnected with train movements.

There are approximately 1,400 such grade crossings in the U.S., the NTSB said, adding that more than 5,000 accidents involving 415 fatalities have occurred at crossings like that since 1982.

Secretary of Transportation Federico Pena has also announced creation of a new task force to study highway rail grade crossing design and safety issues.

"We owe it to the children injured and killed last week, to the 600 and more killed every year, and to every motorist and passenger that these measures are taken to ensure safe grade crossings," Secretary Peña stated.

The new task force, which will consist of the Federal Railroad Administration, National Highway Traffic Safety Administration and Federal Transit Administration, will work with state and local highway officials to conduct a nationwide crossing inventory, focusing on crossings adjacent to traffic signals. Secretary Peña has asked the task force to report back with to him with their results by March 1.

Continuous Membership

The Brotherhood of Railroad Signalmen, in recognition of BRS members' contributions to the Signalman's craft and their dedication to the principle of trade unionism, has established a Continuous Service program to honor longtime BRS members. Continuous service lapel pins are presented to members every five years, beginning with their 25th year of membership.

The following is a list of the members who recently received Continuous Service pins in recognition of their years as BRS members:

45 Years of Service

WG Komanski	183

40 Years of Service

WW Boyd	89
L Bucci	2
RL Gatchell	48
KR Schrweide	227
DR Larsen	154
DE Kennedy	40
W Langley	99
EM Myers	105
DR Welcher	103

35 Years of Service

EF Focht	87
CR Miller	8
TL Willis	110
FR Witschel	92
WD Davenport	41
JG Dewoody	72
JL McIntyre	28
DA Nance	156
RG Robertson	123
RE Smith	19

30 Years of Service

JD Bingman	81
DL Ellison	121
TW Fogarty	152
BE Gaston Jr.	176
LL Jones Jr.	2
JR Larsen	229
JL Miller	174
JD Warden	81
TW Weber	40
HD Arnold	161
RC Beyer	188
DW Boyer	97
CJ Carlisle	227
RD Howard	157
CW Jones	85
DB McGill	121
TJ Bengston	226
D Cockrell	156
TE Deakin	19
RT Dillman	56
WJ Hertzler	129
RE Manning	72
GE Norman	156
G Oldfather	188
CJ Palmer	179
DA Piper	19

25 Years of Service

D Berryhill	16
L Blaylock	49
BD Chesnut	49
MJ Donnelly	155
JW Ewalt	226
RJ Gonzalez	19
DA Hagadus	161
AK Helm	72
GD Hinshaw	157
RA Hitchcock	31
D.R. Hostetler	55
WH Joyce	16
BJ Jurgens	87
LR Leister	31
RA Marston	33
RH McKinley Jr.	103
LG Peek	129
BR Pierce	228
W Scampoli	76
JD Staffey	49
DL Strah	33
TJ Blanchard	99
WE Bradford	77
BC Cox	126
DT Demaree	33
KN Dixon	52
BR Faulks	141
RL Hinkley	155
DR Hostetler	55
JR Jenne	179
KL McNeil	16
GL Reynolds	72
RL Roy	72
GC Runyan	188
JA Schnyder	126
GP Shaftic	94
DL Walker	42
MR Anderson	71
TV Beacom	119
EM Buckley Jr.	76
JH Enterline	15
JC Godfrey	132
DT Humphrey	116
DL Landrum	206
JC Leathem	228
LD Leingang	188
BA Leyland	84
MD Manley	84
HW Martin	13
D Mastro	56
NJ McLean	155
JR Miller	33
RJ Miller	56
DA Neff	14
WC Nobles	141
JN Plick	160
MK Skinner	103
WO Sumpter	119
GT Walker	206
JD Washburn	174
RR Watson	173

BRS BENEFITS DIRECTORY

Where to file claims for all MetraHealth Insurance policies except Plan D:

	Residents of:	
MetraHealth P.O. Box 2511 Augusta, GA 30903-2511 **1-800-842-5252**	Connecticut Delaware Dist. of Columbia Florida Georgia Maine Maryland Massachusetts New Hampshire New Jersey	New York North Carolina Pennsylvania Puerto Rico Rhode Island South Carolina Vermont Virginia West Virginia
MetraHealth P.O. Box 1200 Lansing, IL 60438-0965 **1-800-842-5252**	Illinois Indiana Iowa Kentucky Michigan Minnesota	North Dakota Ohio South Dakota Tennessee Wisconsin
MetraHealth P.O. Box 30985 Salt Lake City, UT 84130-0985 **1-800-842-5252**	Alaska Arizona California Hawaii Idaho Montana	Nevada Oregon Utah Washington Wyoming
MetraHealth P.O. Box 660145 Dallas, TX 75266-0145 **1-800-842-5252**	Alabama Arkansas Colorado Kansas Louisiana Mississippi	Missouri Nebraska New Mexico Oklahoma Texas

Where to file claims for MetraHealth Plan D (Under Policy GA-23111):

	Residents of:	
MetraHealth P.O. Box 10066 Augusta, GA 30903-2511 **1-800-833-4455**	Alabama Connecticut Delaware Dist. of Col. Florida Georgia Illinois Indiana Kentucky Maine Maryland Massachusetts Michigan Mississippi	NewHampshire New Jersey New York North Carolina Ohio Pennsylvania Puerto Rico Rhode Island South Carolina Tennessee Vermont Virginia West Virginia
MetraHealth P.O. Box 30050 Salt Lake City, UT 84130 **1-800-833-4455**	Alaska Arizona Arkansas California Colorado Hawaii Idaho Iowa Kansas Louisiana Minnesota Missouri Montana	Nebraska Nevada New Mexico North Dakota Oklahoma Oregon South Dakota Texas Utah Washington Wisconsin Wyoming

MetraHealth Policy GA-23000 Patient Advocate Program:
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MetraHealth Silent Witness Program
To report suspected billing fraud:
1-800-666-FRAUD

Aetna Managed Care Membership Services
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1-800-842-4044

Mental Health and Substance Abuse Benefits

For treatment, claims or inquiries call:

Value Behavioral Health
(VBH)
800-934-7245
(800-934-RAIL)

Supplemental Sickness Benefits under Group Policy No. R-5000

Where to file claims:

Provident Insurance Co.
Group Claims - Franchise Division
P.O. Box 182526
Chattanooga, TN 37402
1-800-542-4231
Fax: (615) 499-3429

Dental Benefits under Group Policy No. GP-12000

Where to file claims:

Aetna Life Insurance Company
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Grand Rapids, MI 49501-0120
(616) 942-6400

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$2.00 co-payment for generic, $6.00 co-payment for brand name prescriptions up to 30 days at more than 30,000 participating pharmacies. $5.00 co-payment for mail order prescriptions up to 90 days. Available to members covered under Travelers plans GA-23000, GA-23111 Plan D, and GA-46000.

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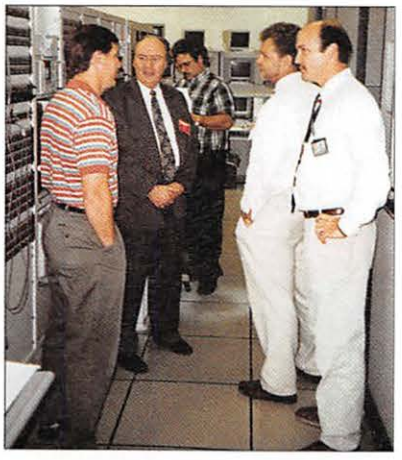
Local and General Committee Meetings

George Crouch of the Kaplan law firm explains FELA to the members of Local 188.

Members of Local 188 listen intently at their regular meeting in Sandpoint, Idaho.

Union Pacific Electronics Graduates (Back Row, l-r) Midwest Gulf Genral Chairman E.J. Anousakes, J. Parker, K.J. Sherwood, W.L. Mellies, S.L. Shelton, J. Pointer, J. Higgins, M.J. Lehman, UP/MP Sig. Engineer, P.M. Abaray, Director of Training, S. Lawrence. (Front Row, l-r) D. Richard, W.L. Briggs, B.D. Hall, S.R. Challis, S.M. Clayson, and Class Instructor, R. Flower.

Local 130 members at their annual retirement and dinner dance celebration.



(r-l) Local 8 Local Chairman R.G. Behrens, General Chairman T.R. Macken, and (second from left) BRS President W.D. Pickett tour the UP CDC center in Omaha, Nebraska.

Local 119 Signalmen Respond To BN Derailment

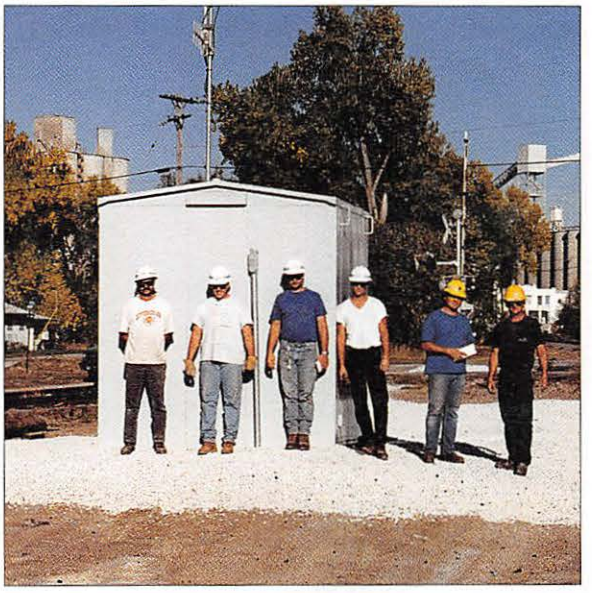
On October 2, 1995, a loaded Burlington Northern coal train traveling eastbound entered a side track in East Louisville, Nebraska striking an empty coal train traveling westbound.

The signal system was tested and found to be operating properly.

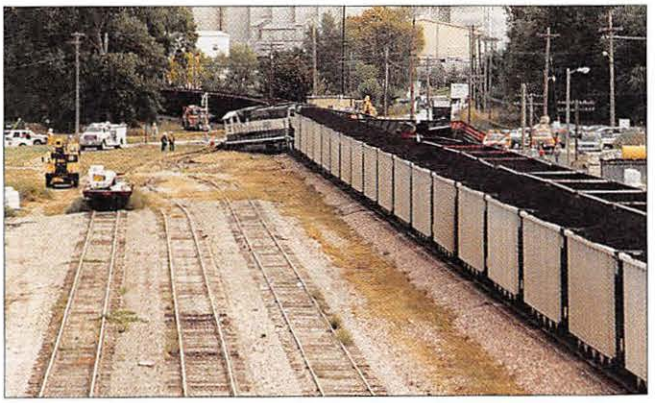
Signal Crew #366, which is headquartered at Omaha, Nebraska, was dispatched to perform the repair work. The crew restored a complete control point bungalow, three new signals and a power switch machine in six days, working 12-hour shifts. Train delays were limited to a 16-hour period on October 2, until signal functions were restored.

Plattsmouth, Nebraska, East Maintainer T.L. Reiners surveys damage to signal bungalow knocked over by the empty coal train.

Empty coal gondolas resting on their sides after impact. All photographs submitted by ***R.J. Turner, Local 119.***

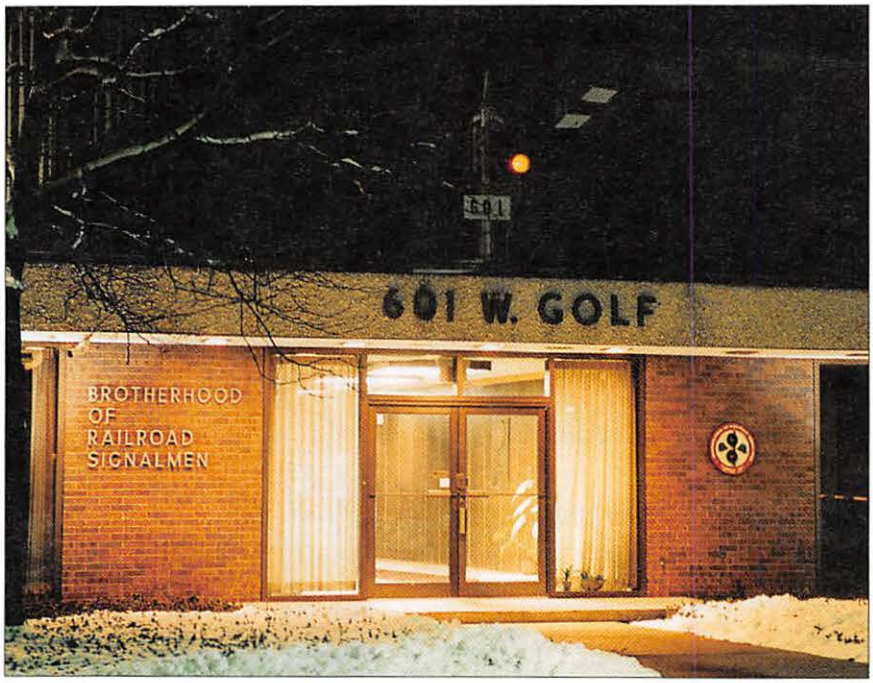


Gang 366 members outside of new control point bungalow. (l-r) K.M. Barker, D. Sanford, S.G. Bousquet, J. Krause, S. Ochs and T.G. Adams.



Eastward view of loaded coal train derailed by the siding power switch.

Season's Greetings



From The Officers And Staff Of Grand Lodge

CLOTH EMBLEM of BRS logo has white letters with red and black border, steam and diesel locomotives and green-over-red searchlight signal. Ideal for hats and jackets!

COASTERS are 3-inch diameter plastic with full-color BRS logo.

BRS MASTER NATIONAL AGREEMENT BOOK contains the basic provisions of national agreements negotiated with U.S. railroads and the BRS. The loose-leaf binder with 2-inch rings makes it easy to update or add additional materials, such as local agreements.

RS&I—HOURS OF SERVICE MANUAL contains vital information that every signalman should know about the federal regulations governing the Rules Standards and Instructions of Signal and Train Control Systems. The Hours of Service Act is included with an explanation and interpretation of the Act as prepared by the FRA. This manual is printed and distributed by the BRS for BRS members.

SIGNAL TRAINING COURSE as developed by Canadian National Ry., is used in signal training programs by many U.S. railroads. This modern premier training manual contains 4 volumes and 31 sections in one 3-inch binder. (copyrighted)

HISTORY OF THE BRS, *"THE FIRST 75"* as written by the late A. E. Lyon, who was BRS president 1934-1945. Contains the Brotherhood's history from its formation in 1901 through 1976. BRS members will enjoy reading about their Brotherhood's history and development.

NEW! BELT BUCKLE made of solid brass with BRS logo.

NEW! KEY TAGS made of solid brass with BRS logo and bound leather backing.

LAPEL PIN/TIE TACK has the BRS searchlight signal logo with outline and letters in gold. 5/8" in diameter. Makes an ideal hat pin!

DECALS have the BRS searchlight logo and are available in two diameter sizes - 2" & 4". The 2" decals have a **reflective** image of the BRS searchlight signal and are the perfect size for hard hats. The 4" decals have a **non-reflective** image of the BRS searchlight signal and are the perfect size for windows and bumpers. These pressure-sensitive decals are long-lasting and easy to apply.

GOLF CAPS have the BRS cloth colorlight emblem stitched to the front. Made of medium-weight cotton, they have an adjustable head band and come in three attractive colors.

GOLF SHIRTS are made of a cotton/polyester blend and have the BRS colorlight logo embroidered in red and green. These comfortable shirts have a right hand breast pocket and are available only in white and in men's sizes.

WINDBREAKERS made of light-weight red nylon, have the cloth BRS colorlight emblem, two slash pockets, elastic wrist band and a bottom drawstring.

SPORTS STYLE JACKETS have a medium-weight polyester/cotton blend shell with a nylon lining, elastic wrist and waist bands. Embroidered four-color BRS emblem. Available in light grey only.

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always expect a train

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